

**JUNE 15, 1994**

**OLYMPIA, WASHINGTON**

**ISSUE 94-12**



## **IN THIS ISSUE**

Adult Education Advisory Council  
Agriculture, Department of  
Attorney General, Office of the  
Blind, Department of Services for the  
Board of Health  
Building Code Council  
Clemency and Pardons Board  
Code Reviser's Office  
Columbia Basin College  
Corporations Division  
Ecology, Department of  
Energy Facility Site Evaluation Council  
Fish and Wildlife, Department of  
Forest Practices Board  
Forest Practices Appeals Board  
Governor, Office of the  
Health Care Facilities Authority  
Health, Department of  
Health Services Commission  
Higher Education Facilities Authority  
Hydraulics Appeals Board  
Information Services, Department of  
Insurance Commissioner, Office of the

Labor and Industries, Department of  
Licensing, Department of  
Lottery Commission  
Marine Safety, Office of  
Natural Resources, Department of  
Outdoor Recreation, Interagency  
Committee for  
Parks and Recreation Commission  
Personnel, Department of  
Personnel Resources Board  
Pilotage Commissioners, Board of  
Pollution Control Hearings Board  
Psychology, Examining Board of  
Public Instruction, Superintendent of  
Retirement Systems, Department of  
Secretary of State  
Shorelines Hearings Board  
Social and Health Services, Department of  
Transportation Commission  
Transportation, Department of  
Walla Walla Community College  
Yakima County Clean Air Authority

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than June 1, 1994

## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

## REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

---

### STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of June 1994 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

---

# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$188.83 per year, sales tax included postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

#### WASHINGTON STATE REGISTER

Code Reviser's Office  
Legislative Building  
Olympia, WA 98504-0552

The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

**Raymond W. Haman**  
*Chairman, Statute Law Committee*

**Dennis W. Cooper**  
*Code Reviser*

**Gary Reid**  
*Chief Assistant Code Reviser*

**Kerry S. Radcliff**  
*Editor*

**Joyce Matzen**  
*Subscription Clerk*

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) deleted material is (~~lined out between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

## 1993 - 1994

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
94-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
94-09	Mar 23	Apr 6	Apr 20	May 4	May 24
94-10	Apr 6	Apr 20	May 4	May 18	Jun 7
94-11	Apr 20	May 4	May 18	Jun 1	Jun 21
94-12	May 4	May 18	Jun 1	Jun 15	Jul 5
94-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
94-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
94-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

<sup>1</sup>All documents are due at the code reviser's office by **12:00 noon** on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.



PROPOSED

**WSR 94-12-003  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed May 19, 1994, 1:35 p.m.]**

Original Notice.

Title of Rule: WAC 388-49-470 Income—Exclusions.

Purpose: Complies with 1993 Mickey Leland Act. The act at Section 13911 excludes earned income of a person who is an elementary or secondary school student and who is twenty-one years of age or younger. Clarifies intent of the Code of Federal Regulations related to income exclusions for program repayments. Avoids confusion of what programs are public assistance.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Excludes earnings of persons twenty-one years of age or younger and attending elementary or secondary school. Clarifies that an income exclusion does not apply to a federal, state, or local means tested program. Avoids conflict with the definition of public assistance.

Reasons Supporting Proposal: The 1993 Leland Act changed the age of students with excludable income from seventeen to twenty-one years of age. Requires amendment to reflect Code of Federal Regulations language and intent regarding repayments from means - tested programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Income Assistance, 438-8326.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, P.L. 103-66 (08-10-93) and CFR 273.11(k).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on July 5, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by June 21, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 28, 1994.

Date of Intended Adoption: July 29, 1994.

May 19, 1994  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

AMENDATORY SECTION (Amending Order 3614, filed 8/11/93, effective 9/11/93)

**WAC 388-49-470 Income—Exclusions.** (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional (~~public assistance program~~) noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:

(i) (~~Seventeen~~) Twenty-one years of age or under; and

(ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) The cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational expenses earmarked by the school or actually paid by the student for:

(i) Tuition;

(ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;

(iii) Books;

(iv) Supplies;

(v) Transportation; and

(vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and

(ii) Represent a gain or benefit to the household.

(k) Any gain or benefit not in money;

(l) Vendor payments as defined in WAC 388-49-020;

(m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit.

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lessor of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

amount as required in 1994 Washington state supplemental budget (ESSB 6244).

Statutory Authority for Adoption: ESSB 6244, 53rd legislature, section 1, chapter 6, Laws of 1994 sp. sess.

Statute Being Implemented: ESSB 6244.

Summary: Reduces state supplement to SSI ineligible spouses by an average of \$22 per month.

Reasons Supporting Proposal: Implements payment reduction required in the 1994 supplemental budget. The SSI state supplement to SSI ineligible spouses will be reduced to the minimum required amount.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Division of Income Assistance, 438-8309.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on July 5, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by June 21, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, Washington 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 28, 1994.

Date of Intended Adoption: July 7, 1994.

June [May] 19, 1994

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

AMENDATORY SECTION (Amending Order 3729, filed 4/6/94, effective 5/7/94)

**WAC 388-250-1700 Standards of assistance—Supplemental security income.** Effective ((January)) July 1, 1994, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

**WSR 94-12-004**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed May 19, 1994, 1:36 p.m.]

Original Notice.  
Title of Rule: WAC 388-250-1700 Standards of assistance—Supplemental security income.  
Purpose: Implements the standard state supplemental amount for SSI ineligible spouses to the minimum required

	Standard	Federal SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	\$474.00	\$446.00	28.00
Individual with one essential person	691.00	669.00	22.00
Couple:			
Both eligible	691.00	669.00	22.00
Includes one essential person	691.00	669.00	22.00
Includes ineligible spouse	638.00	446.00	((492.00)) <u>168.20</u>

Area II: All Counties Other Than the Above

Individual	\$453.55	\$446.00	7.55
Individual with one essential person	669.00	669.00	0
Couple:			
Both eligible	669.00	669.00	0
Includes one essential person	669.00	669.00	0
Includes ineligible spouse	606.15	446.00	((460.15))
			<u>138.25</u>

Areas I and II:

Eligible individual with more than one essential persons: \$446 for eligible individual plus \$223 for each essential person (no state supplement).

Eligible couple with one or more essential persons: \$669 for eligible couple plus \$223 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	\$303.15	\$297.34	\$ 5.81
Individual with one essential person	452.30	446.00	6.30
Couple:			
Both eligible	452.30	446.00	6.30
Includes one essential person	452.30	446.00	6.30
Includes ineligible spouse	416.97	297.34	((419.63))
			<u>103.76</u>

Area I and II:

Eligible individual with more than one essential person: \$297.34 for eligible individual plus \$148.67 for each essential person (no state supplement).

Eligible couple with one or more essential person: \$446 for eligible couple plus \$148.67 for each essential person (no state supplement).

Area I and Area II:

Medicaid Institutions	41.62	30.00	11.62
-----------------------	-------	-------	-------

**WSR 94-12-005  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Filed May 19, 1994, 1:40 p.m.]

Original Notice.

Title of Rule: New chapter 275-57 WAC, Community mental health programs; and repealing chapter 275-56 WAC, Community mental health program.

Purpose: Removes cumbersome and burdening regulations that draw resources from the delivery of direct services to mental health consumers. Meets mandates of consumers, advocates and family members for a stronger voice in governance and quality improvement activities of the mental health system.

Statutory Authority for Adoption: Chapter 71.24 RCW.  
Statute Being Implemented: Chapter 71.24 RCW.

Summary: Removes large number of cumbersome and burdening regulations which draw resources from direct services. Gives consumers and advocates a greater voice in how services are delivered, and through the ombudsman function and the quality review team, oversight in the quality of services delivered.

Reasons Supporting Proposal: Mental health division has, in response to RSNs and providers requests, rewritten the community mental health rules. Allows for more flexible services, allows RSNs, PHPs and providers to streamline service delivery. Changes necessary to conform to law and federal regulations. Consumer, family member, and advocate requests allow greater involvement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Hanig, Mental Health Division, 586-6766.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Title XIX Waiver and SSB 6547.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: Chapter 275-57 WAC is proposed to replace chapter 275-56 WAC, regulating counties, regional support networks, mental health prepaid health plans, and licensed community mental health providers.

Chapter 275-57 WAC represents a comprehensive review and revision of current WAC and was generated partly in response to regulatory reform initiatives of the governor. As such, a large number of existing WAC requirements have been scaled back or deleted, including:

1. Many biennial plan requirements were deleted.
2. Specific requirements for RSNs to "coordinate services" were removed.
3. Many fiscal requirements were deleted. There are no longer any sections on provider fiscal requirements. Instead, there are general rules for RSNs to follow.
4. RSNs no longer have to submit a budget.
5. RSNs no longer have to perform a biennial audit of providers.
6. Several resource management requirements (i.e., access points, assignment of case managers within three days, and development of an ISP) were deleted.
7. The section on applicable licensing standards was deleted.
8. Rules requiring providers to develop policy and procedure were deleted.
9. Rules requiring providers to establish and document activities of a governing board were deleted.
10. Requirements specifying hours of clinical supervision were deleted.
11. Requirement requiring the hire of a clinical director at each agency was deleted.
12. Requirements for forty hours of annual training for clinicians and thirty hours of training for crisis volunteers were deleted.
13. The section on facility characteristics was deleted.
14. Requirements for weekend and evening services were deleted.
15. Many of the intake and evaluation requirements were deleted.
16. The requirements for individualized service plans and individualized treatment plans were collapsed together and about half of the requirements were deleted.

- 17. The section on transfers and continuity of care was deleted.
- 18. The section on medication storage was deleted.
- 19. The section on extraordinary occurrences (i.e., incident reports) was deleted.
- 20. The section on record retention and destruction was deleted.
- 21. The section requiring written service descriptions was deleted.
- 22. The section on emergency services was deleted. Parts of it were included under the crisis response system.
- 23. The section on preadmission screening requirements was deleted.
- 24. The section on outpatient services was deleted.
- 25. The section on day treatment services was deleted.
- 26. The section on consultation and education services was deleted.
- 27. Almost all of the requirements for case management services were deleted.
- 28. All six sections and their specific requirements on residential services were deleted. These were replaced with a single brief section.

Chapter 275-57 WAC also expands the role of consumers and family members in RSN governance, monitoring of services and the provision of services. As such, chapter 275-57 WAC promotes a customer-oriented regulatory environment.

**Industry Involvement in Drafting the Rules:** The mental health division convened a drafting committee which met for over a year to draft these rules. The committee was comprised of representatives from: Consumer advocacy groups; family advocacy groups; trade associations; County government; and special population advocates.

A list of representatives is attached as Appendix A [no information supplied by agency].

The committee developed numerous drafts and three of these drafts were disseminated through a 500 person mailing list to the entire mental health community. Hundreds of comments were received from community mental health centers, regional support networks and advocates. Each comment was reviewed by mental health division staff and many were incorporated into the next draft.

**Industries Affected:** The two entities affected by this WAC are: Regional support networks (RSNs) and licensed providers or community mental health centers. RSNs constitute local, county government. Licensed providers may be listed with the Department of Revenue (DOR) either under SIC number 8322: Individual and Family Social Services or 8049: Offices and Clinics of Health Practitioners, Not Elsewhere Classified.

Total number of all types of businesses addressed under this WAC is: 102 licensed providers.

The mental health division estimates that over 50% of all licensed providers are businesses with 50 or fewer employees.

**Addresses of Businesses:** See Appendix B for a complete list of licensed providers and regional support networks [no information supplied by agency].

These proposed rules affect a small fraction of the total industry under the codes 8322 and 8049, but does affect 100% of all licensed community mental health providers, the majority of which employ fewer than 50 FTEs: For this

reason, we are filing a small business economic impact statement.

As noted previously, chapter 275-57 WAC was issued in conjunction with the governor's initiative in regulatory reform. A number of new requirements were added over and above existing chapter 275-56 WAC. Conversely, many requirements in chapter 275-56 WAC were deleted. During the drafting of the WAC, constant reference was made to the economic impact of proposed regulation. While industry representatives asserted more regulations could have been deleted, the mental health division believes that additional deletions would have compromised consumer health or safety. Table 1 shows comparative impact of the WAC changes. The left column shows items in chapter 275-56 WAC which were not included in chapter 275-57 WAC. The right column shows new additions to chapter 275-57 WAC.

TABLE 1: COMPARISON OF REQUIREMENTS

DELETIONS FROM EXISTING WAC 275-56	ADDITIONS IN PROPOSED WAC 275-57
Mental health professional definition requires less documentation.	Mental health professional definition is slightly more restrictive. (Possible small fiscal impact.)
	Waivers now require review by Ombuds staff and quality review team. However, balancing this is that waivers may now be applied under more circumstances. (Small fiscal impact.)
Some RSN biennial plan requirements	RSN advisory board must be 51% comprised of consumers and family members. (No fiscal impact.)
Specific requirements for RSNs to "coordinate services".	
Many fiscal requirements. There are no longer any sections on provider fiscal requirements. Instead, there are general rules for RSNs to follow.	
RSNs no longer have to submit a budget.	
RSNs no longer have to perform a biennial audit of providers.	
Several resource management requirements (i.e., access points, assignment of case managers within 3 days, and development of an ISP) were deleted.	Some resource management activities are further specified. This is necessary in light of managed care requirements. (Fiscal impact unclear as these are largely activities required for managed care systems.)
	RSNs now specifically required to develop housing. This is occurring already in almost all RSNs. (Moderate fiscal impact on RSNs.)
	Previously, only Prepaid Health Plans (PHPs) were required to develop Ombuds and Quality Review Team services. This WAC speeds up the implementation of these requirements by requiring them to be established in all RSNs. (While this is not a new requirement to this WAC, the two programs have been established

DELETIONS FROM EXISTING WAC 275-56	ADDITIONS IN PROPOSED WAC 275-57
	only within the last year. Much of the cost of establishing the program has been borne by the Mental Health Division. However, there will be moderate administrative costs associated with greater consumer/advocate scrutiny of services.)
The section on applicable licensing standards	More categories of licensing are available now, including "Deemed Status" which accepts licensing or accreditation by other entities (e.g., JCAHO, etc.) (Should create small savings.)
Rules requiring providers to develop policy and procedure	
Rules requiring providers to establish and document activities of a governing board	
Requirements specifying hours of clinical supervision	Allows for inclusion of certain staff as mental health specialists previously not covered. (May create moderate savings, especially in rural and small agencies)
Requirement requiring the hire of a clinical director at each agency	
Requirements for 40 hours of annual training for clinicians and thirty hours of training for crisis volunteers	Establishes orientation requirements for new staff. While hours of training were deleted, the new WAC defines specific training areas to be covered annually. This change was made in response to Legislative Budget Committee evaluation of the system revealing poorly trained case managers. (Moderate fiscal impact due to increased time spent in training and documentation of same.)
The section on facility characteristics.	
Requirements for weekend and evening services	
Many of the intake and evaluation requirements	Staff can provide verbal version of consumer rights. (No impact likely)
The requirements for individualized service plans and individualized treatment plans were collapsed together and about half of the requirements were deleted.	Plans must be reviewed every 180 days, instead of the previous 90 day requirement. (Will result in substantial savings in agencies by cutting in half the amount of time spent in re-doing plans.

DELETIONS FROM EXISTING WAC 275-56	ADDITIONS IN PROPOSED WAC 275-57
	However, this will be partially offset by increased consumer input and individualizing of plans.)
The section on transfers and continuity of care	
The section on medication storage.	
The section on extraordinary occurrences (i.e., incident reports	
The section on record retention and destruction	
The section requiring written service descriptions	
The section on emergency services. Parts of it were included under the crisis response system.	
The section on preadmission screening requirements	
The section on outpatient services	Brief intervention services were inserted in place of outpatient services. However, this WAC allows for a streamlined intake evaluation, resulting in savings to agencies. (Minor savings, if any.)
The section on day treatment services	
The section on consultation and education services	
Almost all of the requirements for case management services	
All six sections and their specific requirements on residential services. These were replaced with a single brief section.	
	Medical services now required to solicit and document medication side effects. (Small fiscal impact with additional costs.)
	In-home services established, which will allow greater RSN flexibility. May result in modest savings at the RSN level.)
	Consumer/Advocate Run services established. (Should have no fiscal impact or result in modest savings.)

While it is difficult to gauge the costs of each of the regulations, Table 1 indicates a net reduction in costs to licensed providers. Requirements in 29 areas were eliminated from the existing WAC. The new WAC adds several requirements; however, nearly seven of these may result in further savings. Three new requirements will result in small additional costs to providers or RSNs. Three to four new requirements will result in moderate additional costs. In light of this, the economic impact of this chapter will be savings to small businesses providing community mental health services.

**Mitigation Provisions Considered for Small Agencies:** As noted above, the entire chapter may result in savings to all agencies over current practices. Small agencies will particularly benefit from certain provisions: The ability to designate certain nonprofessionals as mental health professionals and mental health specialists. Such individuals may not have had graduate school education but have demonstrated unusual ability and/or experience in the field; reduced administrative requirements (e.g., policy and procedures, service descriptions, etc.) will eliminate burdens from small agencies; and the decreased emphasis on establishing separate program cost centers will make it easier for small agencies to provide services more flexibly.

**Presolicitation and Research Efforts:** Convened a drafting committee with representation from key industry

groups and constituencies. Drafting committee met one to two times per month for a year.

Distributed five drafts to the mental health community and sought comments from community members. Hundreds of comments were received, reviewed and many were incorporated in subsequent drafts.

Mental health division staff met with interested constituents and trade groups to discuss concerns with the new WAC.

**Cost Comparison of Proposed and Current WAC:** As noted in Table 1, it appears that the new WAC results in significant savings for providers which more than offset increases from new expectations.

**Hearing Location:** OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on July 26, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by July 12, 1994. TDD 753-4595 or SCAN 234-4595.

**Submit Written Comments to:** Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by July 19, 1994.

**Date of Intended Adoption:** July 29, 1994.

May 19, 1994  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

**Chapter 275-57 WAC**  
**COMMUNITY MENTAL HEALTH PROGRAMS**

**NEW SECTION**

**WAC 275-57-010 Purpose and authority.** The purpose of chapter 275-57 WAC is to implement a county-managed community mental health program to help people experiencing mental disorders retain or gain respected and productive positions in their community. This chapter establishes rules and regulations for regional support networks (RSNs), prepaid health plans (PHPs), licensed service providers, information, accountability, contracts, and services. This chapter replaces chapter 275-56 WAC. The department's legal authority for adopting this chapter is chapter 71.24 RCW.

(1) Compliance with the rules and regulations for RSN duties shall be phased in according to the contract with the department. The department shall apply all rules and regulations in this chapter pertaining to RSNs to non-RSN counties, unless noted otherwise. Rules and regulations for RSNs are specified in sections 050 through 170 of this chapter.

(2) Compliance with the rules and regulations for PHP duties shall be phased in according to the contract with the department. PHPs shall also be certified as an RSN or licensed as a provider. If the PHP is not an RSN, sections 070 through 120 shall also apply to the PHP. Rules and regulations for PHPs are specified in sections 150 through 260 of this chapter.

(3) Rules and regulations for licensed service providers which provide services under contract to a PHP or RSN are specified in sections 030 and 270 through 450 of this chapter.

(4) Rules and regulations for licensed providers which do not contract with either an RSN or PHP are specified in sections 030, 270 through 380, and applicable services as described in sections 400 through 450.

**NEW SECTION**

**WAC 275-57-020 Definitions.** (1) "**Acutely mentally ill**" means a condition limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or in the case of a child, as defined in RCW 71.34.020(12); and

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020 (11).

(2) "**Allied service providers**" means providers of social services not funded by RSNs. These include, but are not limited to, child and family services, alcohol and substance abuse services, vocational rehabilitation services, developmental disability services, and schools.

(3) "**Certified marriage and family therapist**" means a person certified to practice marriage and family therapy under RCW 18.19.130.

(4) "**Certified mental health counselor**" means a person certified to practice mental health counseling under RCW 18.19.120.

(5) "**Child**" means a person seventeen years of age or younger.

(6) "**Chronically mentally ill adult**" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months.

(7) "**Clinical services**" means those direct age and culturally appropriate consumer services which either:

(a) Assess a consumer's condition, abilities, or problems; or

(b) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

(8) "**Consumers**" means persons, couples, or families who are eligible to or are receiving clinical, coordinative, or support services.

(9) "**Consultation**" means review and recommendations regarding the job responsibilities, activities, or decisions of administrative, clinical or clerical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

(10) "**Crisis**" means a situation where a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial, or neurophysiological functioning.

(11) "**Cultural competence**" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations; a culturally competent system of care that acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

(12) "**Department**" means the department of social and health services.

(13) "**Disabled**," for the purposes of this chapter only, means an individual with a developmental disability, serious physical impairment, or sensory impairment.

(14) "**Elderly**" means a person sixty years of age or older.

(15) "**Employment services**" means supported employment, transitional work, placement in competitive employment, and other work-related services that result in persons with a mental illness becoming engaged in meaningful and gainful full-time or part-time work.

(16) "**Enrolled recipient**" means, for purposes of a prepaid health plan (PHP), a person eligible for Medicaid



services, and eligible to receive community mental health rehabilitation services.

(17) "**Fair hearing**" means an adjudicative proceeding as defined under chapter 34.05 RCW.

(18) "**Gravely disabled**" means a condition where a person, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for such person's essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning:

(i) Evidenced by repeated and escalating loss of cognition or volitional control over such person's actions; and

(ii) Is not receiving such care as is essential for such person's health or safety.

(19) "**Individualized plan**" means a plan developed by the provider in collaboration with the consumer and others providing supports to the consumer. The individualized plan:

(a) Is developed by the consumer and people who know the consumer best;

(b) Is flexible and responsive to the consumer's changing needs;

(c) Focuses on and enhances consumer strengths; and

(d) Focuses on meeting those basic needs that persons of similar age, gender, and culture have.

(20) "**Integrated work setting**" means that all work is done in settings which offer regular contact with nondisabled coworkers and includes social interaction and integration at the work site.

(21) "**Licensed provider**" means an agency licensed by the department under this chapter.

(22) "**Limited english proficient**" means persons applying for or receiving services from the department or its contractors who have difficulty understanding what an English speaking staff person says or who have trouble being understood by the English speaking staff person.

(23) "**Mental disorder**" means organic, mental, or emotional impairment having substantial adverse effect on an person's cognitive or volitional functions.

(24) "**Mental health professional**" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill persons;

(d) A person having at least a masters degree in behavioral sciences, social work, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill persons;

(e) A mental health counselor, or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill persons; or

(f) A person otherwise qualified to perform the duties of a mental health professional but does not meet the requirements listed in subsection (24)(a) through (f) of this section, where the department has granted an exception to such requirements upon review of a written request by the RSN or PHP involved.

(25) "**Minority**" or "**ethnic minority**" or "**racial/ethnic groups**" means any of the following general population groups:

(a) African American; or

(b) An American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe;

(B) A person determined eligible to be found Indian by the secretary of the interior; and

(C) An Eskimo, Aleut, or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community, or nonstatus Indian community from Canada.

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization;

(c) Asian or Pacific Islander; or

(d) Hispanic.

(26) "**Nonclinical services**" means those services designed to support the consumer and facilitate community living and do not require licensing under this chapter. Nonclinical services include, but are not limited to:

(a) Peer support and advocacy;

(b) Assistance accessing or locating services;

(c) Help with daily living; and

(d) Provision of transportation.

(27) "**Prepaid health plan (PHP)**" means an organization that provides and/or pays for Medicaid mental health services provided to an eligible enrolled consumer for a prepaid capitated rate under the terms of a department contract.

(28) "**Priority populations**" means:

(a) Acutely mentally ill adults and children;

(b) Chronically mentally ill adults;

(c) Severely emotionally disturbed children; or

(d) Seriously disturbed adults and children at risk of becoming acutely or chronically mentally ill, as determined by the RSN at their sole discretion.

(29) "**Primary care provider (PCP)**" means a person with primary responsibility for implementing the individualized plan for community mental health rehabilitation services with the enrolled recipient.

(30) "**Provider**" means licensed service provider as defined under this chapter.

(31) "**Regional support network**" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

(32) "**Research**" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This shall not include program evaluation conducted for internal monitoring or review purposes.

(33) "**Seriously disturbed person**" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(34) "**Severely emotionally disturbed child**" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(35) "**Substantial gainful activity**" means work involving significant physical or mental activities done for pay or profit. Substantial gainful activity also means:

(a) For children, the ability to productively participate in educational activities;

(b) For elderly, retired persons, the ability to manage retirement income and activities of daily living; and

(c) For persons disabled due to physical impairment, the ability to manage disability income and activities of daily living.

(36) "**Supervision**" means regular or occasional monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

(37) "**Supported employment**" means competitive employment in an integrated work setting with ongoing support services and reasonable accommodations for persons with mental illness, for whom competitive employment has not traditionally occurred or which has been interrupted.

(38) "**Transitional employment**" means competitive work in an integrated setting for persons with mental illness who may need support services (but not necessarily job skill training services) and reasonable accommodations, provided either at the work site or away from the work site. The job placement may not necessarily be a permanent employment outcome for the person.

(39) "**Tribal authorities**," for the purposes of this chapter and RCW 71.24.300, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary of the department insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

(40) "**Underserved**" means persons who are:

(a) Minorities;

(b) Children;

(c) Elderly;

(d) Disabled; and

(e) Low-income persons.

#### NEW SECTION

**WAC 275-57-030 Waiver of rules.** (1) An RSN, PHP, licensed provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter by completing and submitting forms furnished by the department. The RSN, PHP, licensed provider, or applicant shall ensure the waiver request includes:

(a) The specific section for which the waiver is being requested;

(b) A description of the hardship or opportunity for service improvement to be addressed by the waiver;

(c) A description of the plan to achieve compliance of, or to implement, test, and report results of a possible service improvement;

(d) Duration requested for the waiver;

(e) For agencies contracting with an RSN or PHP, a statement by the RSN or PHP recommending approval for the request;

(f) Recommendations, if any, from the quality review team or ombuds staff, as defined in sections 150 and 160 of this chapter; and

(g) A description of how consumers shall be notified of changes made as a result of the waiver.

(2) Upon receipt of a request for waiver, the department shall consider at a minimum:

(a) Impact on accountability, accessibility, efficiency, consumer satisfaction, and quality of care;

(b) Degree of noncompliance sought; and

(c) Whether the requirement is also in statute and therefore may not be waived.

(3) The department shall respond to the waiver request in writing within thirty days of receipt of the request.

(a) If the waiver is granted, the department shall issue a notice which includes:

(i) Section or subsection waived;

(ii) Conditions;

(iii) Duration of the waiver which shall in no case extend past the date of renewal of the agency license or RSN certification;

(iv) Notification that the waiver shall be subject to review and possible renewal, if requested.

(b) If the department denies the waiver, the department shall ensure the notice includes reasons for the decision.

(4) The RSN, PHP, licensed provider, or applicant may appeal the denial of a waiver request to the secretary in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 275-57-040 Department responsibilities and duties.** The department shall:

(1) Comply with its duties as specified under chapter 71.24 RCW;

(2) Coordinate state mental health policy and advocate to promote age and culturally competent services for consumers;

(3) Maintain minimum service delivery standards. Under such standards, the department shall license and certify providers and certify RSNs. In licensing and certification reviews, the department shall:

(a) Coordinate reviews with other audits and inspections of the state and RSNs to minimize overlap and duplication of effort;

(b) Evaluate the effectiveness of local processes which address consumer satisfaction, enable consumer needs to be met, and provide for prudent expenditure of public funds; and

(c) Have reasonable access at reasonable times to the records of RSNs, PHPs, and licensed providers.

(4) Establish and implement outcome-based contracts with RSNs and PHPs;

(5) Develop and implement an outcome-based plan in collaboration with consumers, families, RSNs, providers, and diverse communities. The department shall ensure the plan is periodically reviewed and resources applied toward its implementation;

(6) Be designated as the county authority if a county or RSN fails to significantly meet contractual requirements or minimum standards or chooses not to exercise responsibilities under RCW 71.24.045;

(7) Be designated as the PHP if:

(a) An RSN or provider is not available to serve as the PHP; or

(b) The department can administer community mental health rehabilitation services more efficiently and cost effectively than other available RSNs or providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available RSNs or providers includes, but is not limited to, lower administrative costs, lower unit cost for comparable services, higher productivity, and/or increased service quality.

(8) Implement policies to maximize system efficiency and resources which go to services. The department shall assess new policies in terms of intended results and cost-effectiveness;

(9) Advocate for cross-system collaboration and sharing of resources for consumers served by multiple systems;

(10) Support and promote technical assistance, community education, stigma reduction, training and research; and

(11) Maintain an effective, internal quality improvement process to assess and improve the above requirements of this section.

#### NEW SECTION

**WAC 275-57-050 Regional support networks—General responsibilities and duties.** The RSN shall:

(1) Comply with duties as specified under chapter 71.24 RCW.

(2) Identify the single point of responsibility to administer and provide community mental health services to priority populations;

(3) Provide resource management services, as described in section 110 of this chapter;

(4) Provide, or ensure the provision of, crisis response services as described in section 390 of this chapter;

(5) Provide, or ensure the provision of, a full array of brief intervention and community support services, including residential services, as described in sections 400 through 470 of this chapter;

(6) Meet the terms of the state department contract;

(7) Require its contractors and their subcontractors to comply with applicable requirements of the contract with the department;

(8) Contract for clinical services only with licensed service providers or providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW. If the department notifies the RSN of a provider's failure to attain or maintain licensure, the RSN shall terminate its contract with that provider;

(9) Operate as a licensed provider only when:

(a) Another provider is not available to provide the mental health services; or

(b) The RSN demonstrates to the department that it can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available providers includes, but is not limited to:

(i) Lower administrative costs;

(ii) Lower unit cost for comparable services;

(iii) Higher productivity; and/or

(iv) Increased service quality.

(10) Notify the department of observations indicating that providers may not be in compliance with licensing requirements. The RSN shall maintain written report of its evaluations and audits of providers for department inspection;

(11) Allow the department reasonable access at reasonable times to the RSN records;

(12) Collaborate with and make reasonable efforts to obtain and use nonclinical resources in the community to maximize services to consumers; and

(13) Educate the community regarding mental illness to diminish stigma.

#### NEW SECTION

**WAC 275-57-060 Regional support networks—Recognition and certification.** (1) A county or group of counties desiring recognition as a regional support network (RSN) shall submit to the department:

(a) A statement of intent for recognition as an RSN;

(b) Documentation showing a total RSN population greater than forty thousand;

(c) For RSNs of more than one county, or RSNs encompassing tribal authority or authorities, documentation of interlocal agreements, including:

(i) Identification of a single authority;

(ii) Assignment of all responsibilities to specified parties; and

(iii) Participation by tribal authorities in the agreement, where applicable; and

(d) A preliminary plan completed according to departmental guidelines;

(2) Within thirty days of application, the department shall provide written response either:

(a) Recognizing the RSN; or

(b) Denying recognition and stating the reasons for denial under subsection (1) of this section.

(3) The department's recognition and initial certification of an RSN shall depend on the RSN meeting the standards for planning and provision of services specified in this chapter.

(4) The department shall conduct a survey to renew RSN certification before each biennial contract between the department and the RSN.

NEW SECTION

**WAC 275-57-070 Regional support networks—Penalties for noncompliance.** The department may impose penalties on RSNs for noncompliance.

(1) An RSN's failure to provide the department with requested data, statistics, schedules, or information; filing of fraudulent reports; or failure to meet contractual terms may result in the following actions, under the RSN's contract with the department:

(a) Withholding payment;

(b) Financial penalties;

(c) Suspension, revocation, limitation, or restriction of certification;

(d) Refusal to grant certification; or

(e) Other departmental action under chapter 71.24 RCW.

(2) The department shall deny partial or full funding to RSNs based solely on findings of substantial noncompliance with the terms of the RSN's contract.

NEW SECTION

**WAC 275-57-080 Regional support networks—Governance and community accountability.** The RSN shall ensure services are responsive in an age and culturally appropriate manner to the mental health needs of its community, within available resources. The RSN shall:

(1) Establish a governance structure which shall include, where applicable, representation from tribal authorities, consistent with chapter 71.24 RCW.

(2) Appoint an RSN advisory board which shall:

(a) Be broadly representative of the demographic character of the region and the mentally ill persons served. By December 31, 1995, fifty-one percent of the members of the advisory board will include:

(i) Consumers or past consumers of public mental health services; and

(ii) Family or foster family members of consumers, including parents of emotionally disturbed children.

(b) Review and comment on plans, budgets, and policies developed by the RSN to implement the requirements of chapter 71.24 RCW and this chapter. The RSN advisory board shall forward its comments to the RSN governance body and elected officials responsible for the mental health program;

(3) Develop and implement an outcome-based biennial plan in accordance with department guidelines. In developing the plan, the RSN shall:

(a) Seek and incorporate input concerning service needs and priorities from community stakeholders, including:

(i) Consumers;

(ii) Family members;

(iii) Culturally diverse communities and tribal authorities;

(iv) Social service agencies; and

(b) Identify trends and address service gaps, including specialized services for underserved groups.

(4) Periodically review the biennial plan and ensure resources are applied in support of its goals and outcomes.

NEW SECTION

**WAC 275-57-090 Regional support networks—Financial management.** (1) The RSN shall prudently manage public resources and shall employ accounting procedures that:

(a) Are consistent with applicable state and federal requirements and generally accepted accounting principles (GAAP); and

(b) Enable accurate reporting of revenues and expenditures in a form as issued by the department.

(2) The RSN shall require specific accounting and auditing procedures from agencies contracting with the RSN to ensure the RSN shall meet its reporting requirements to the department. The RSN may not apply these accounting and auditing requirements to agencies when:

(a) The contractor is a small contractor, as defined by the RSN, and the RSN is able to account for the expenditure of such funds;

(b) RSN payments to a contractor are below a specified proportion of the contractor's total receipts, as determined by the RSN; or

(c) The contract reimbursement mechanisms are specifically tied to units of service or episodes of care, and pricing has been competitively determined or is comparable to prices paid by other purchasers of comparable services.

(3) The RSN shall expend funds received by the department in accordance with its contract with the department. The RSN shall not expend funds received by the department for any purpose other than those purposes that are intended to achieve:

(a) The performance and outcome terms of its contract with the department; and

(b) Compliance with the requirements of this chapter and chapters 275-54 and 275-55 WAC, chapters 71.05, 71.24, and 71.34 RCW, and the intentions of the State Appropriations Act.

(4) The RSN shall deliver and/or purchase goods and services prudently. The RSN shall comply with this requirement by:

(a) Purchasing all services through state or county procurement procedures;

(b) Employing contract reimbursement mechanisms which ensure payments are tied to outcome and performance requirements in the RSN's contract with the department;

(c) Employing reimbursement pricing strategies which result in the highest level of desired performance, outcome and quality for the least cost. Examples of reimbursement pricing strategies which meet this requirement include:

(i) Competitive pricing, in which proposed prices for a specific package of services are compared among many providers;

(ii) Actuarial analysis, in which capitated payment levels are determined through analysis of comparative service and payment databases; and

(iii) Zero-based cost analysis, in which the price of a package of services is developed by determining the reasonable cost of the components required to deliver that package of services.

(5) The RSN shall manage assets of the RSN under applicable state and federal requirements and generally accepted accounting principles (GAAP) and under the following additional specific requirements:

(a) Assets of the RSN include all property, equipment, vehicles, buildings, capital reserve funds, operating reserve funds, risk reserve funds, or self insurance funds.

(b) Interest accrued on funds stated in this section shall be accounted for and retained for use by the RSN for purposes in subsection (3) of this section;

(c) Property, equipment, vehicles, and buildings shall be properly inventoried with a physical inventory conducted at least every two years. Proceeds from the disposal of any assets shall be retained by the RSN for purposes in subsection (3) of this section.

#### NEW SECTION

**WAC 275-57-100 Regional support network—Awareness of services.** The RSN, or its designee, shall:

(1) Maintain listings of services in telephone and other public directories of the service area. The RSN shall prominently display listings for crisis services in telephone directories;

(2) Publish and disseminate brochures and other materials describing services and hours of operation. These include:

(a) Materials for the visually impaired;

(b) Bilingual materials when there is a significant non-English speaking population in the service area; and

(c) Methods to communicate the content of such materials to persons who do not read.

(3) Post and make information available to consumers regarding the ombuds service, under section 160 of this chapter, and local advocacy organizations that may assist consumers in understanding their rights.

#### NEW SECTION

**WAC 275-57-110 Regional support networks—Resource management.** The RSN shall establish mechanisms which maximize access to and use of mental health services, and ensure people receive appropriate levels of care. The RSN shall:

(1) Develop, implement, and enforce culturally competent written criteria for admissions, placements, transfers, and discharges to and from:

(a) Brief intervention services;

(b) Community support services, including residential services; and

(c) Inpatient services funded by the department or RSN, including:

(i) State hospitals;

(ii) Community psychiatric hospital services; and

(iii) Free standing evaluation and treatment facilities.

(2) Regularly manage utilization through a process independent of direct service providers. The RSN shall collect and analyze data regarding which consumers receive brief intervention and community support services. The RSN shall take measures to ensure:

(a) Providers implement the criteria described in subsection (1) of this section.

(b) Consumers in need of brief intervention and community support services receive medically necessary services;

(c) Consumers in brief intervention and community support services receive sufficient but not excessive services;

(d) Services are appropriate to the needs of the person and address:

(i) Age;

(ii) Culture; and

(iii) Disability.

(e) Consumers whose needs are not met through routinely available services receive flexible, individualized services.

(3) Provide resource management services for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment (EPSDT) program as specified in contract with the department.

(4) Develop and implement formal agreements with inpatient services funded by the department or RSN (i.e., state psychiatric hospitals, local evaluation and treatment facilities, and other local inpatient psychiatric facilities) regarding:

(a) Referrals;

(b) Admissions; and

(c) Discharges, including RSN responsibility for discharge planning for consumers residing at the state hospitals.

(5) Identify a single person with primary responsibility for implementation of each consumer's individualized plan. However, this requirement shall not restrict consumer choice of available services, including consumer-operated services.

(6) Ensure access to seven-day-a-week, twenty-four-hour-a-day availability of information regarding mentally ill adults and children receiving services and their individualized plans to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN and consistent with section 360 of this chapter.

(7) Specify in contract the delegation of the duties described in this section when such duties are assigned to a subcontractor.

#### NEW SECTION

**WAC 275-57-120 Regional support networks—Management information.** RSNs and their subcontractors shall report required management information to the department. To this end, the RSN shall operate an information system and ensure information for persons receiving mental health services funded by public dollars is reported to the state mental health information system, according to departmental guidelines.

(1) The department and the RSN shall use the mental health information system for state-wide and/or RSN management reports and for locating case managers.

(2) The department, RSN, and provider shall maintain confidentiality of information contained in the mental health information system according to this chapter and chapters 70.02, 71.05 and 71.34 RCW.

(a) The RSN shall ensure all RSN, county, or provider staff having access to the mental health information systems are instructed in the confidentiality requirements.

(b) The RSN, county, or provider shall maintain on file a statement signed by the staff acknowledging understanding and agreement to abide by these requirements.

(c) The department shall ensure violation of confidentiality of information shall result in appropriate disciplinary or civil action, as described in chapter 71.05 RCW.

#### NEW SECTION

**WAC 275-57-130 Regional support networks—Staff qualifications.** The RSN shall employ and retain respectful, effective staff. To this end, the RSN shall:

(1) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to job requirements; and

(2) Provide orientation and ongoing training in the skills pertinent to the position and the treatment population, including age and culturally competent consultation with consumers, families, and community members.

#### NEW SECTION

**WAC 275-57-140 Regional support networks—Housing.** The RSN shall actively promote consumer access to, and choice in, safe, decent, and affordable housing, which is integrated into the community and appropriate to the age, culture, and residential needs of the person. The RSN shall:

(1) Designate staff knowledgeable in and responsible for housing-development activities;

(2) Maintain an inventory of housing stock for consumers;

(3) In cooperation or partnership with interested parties and financial institutions, promote access to and use of community housing available to consumers, including:

(a) Ownership or leases by the RSN or its providers;

(b) Agreements between landlords and the RSN or its providers;

(c) Securing HUD Section 8 or other rental subsidies, including rental subsidies provided directly by the RSN;

(d) Loans or grants for low-income or special need housing by federal, state or local funding sources; or

(e) Other means.

(3) Not promote housing:

(a) With more than eight units together; or

(b) Which is for persons with mental illness only and may result in unnatural segregation of consumers from the rest of the community.

#### NEW SECTION

**WAC 275-57-150 Regional support networks and prepaid health plans—Quality improvement.** The RSN or PHP shall establish a process responsive to the demographic character of the RSN or PHP to improve service quality and promote customer satisfaction.

(1) **Quality Improvement Process.** The RSN or PHP shall develop and implement a quality improvement process as approved by the department and set forth in the terms of the contract between the department and the RSN or PHP.

(2) **Quality Review Team.** The RSN or PHP shall:

(a) Establish and maintain a quality review team responsive to the demographic character of the RSN and as set forth in the terms of the contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section; and

(b) Take measures to assure the quality review team can fairly and independently execute the team's duties.

(3) The quality review team shall:

(a) Regularly review provider and RSN or PHP performance; and

(b) Meet with interested consumers and family members, allied service providers, and persons reflecting the age and ethnic diversity of the RSN to:

(i) Determine whether services are accessible and address the needs of consumers; and

(ii) Work with interested consumers, service providers, the RSN or PHP, and the department to resolve identified problems.

#### NEW SECTION

**WAC 275-57-160 Regional support networks and prepaid health plans—Ombuds service.** The RSN or PHP shall establish a service responsive to the age and demographic character of the region to assist and advocate for consumers with complaints and grievances concerning services.

(1) The RSN or PHP shall establish an independent ombuds service, as set forth in this section and contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section.

(2) The RSN or PHP shall ensure the ombuds service:

(a) Is independent of service provision;

(b) Receives consumer, family member, and other interested party complaints and assists in the complaint's resolution with the consumer's consent, at the lowest possible level;

(c) For the purposes of outreach and resolving complaints, has access to consumers, service sites, and records relating to the consumer. The RSN or PHP shall ensure access to records is contingent upon written consent as described under this chapter; and

(d) Intercedes on behalf of consumers and family members and, at the consumer's request, in the complaint and grievance process.

(3) The ombuds service staff shall:

(a) Be accessible to all persons;

(b) Involve other persons, at the consumer's request;

(c) Assist consumers in the pursuit of informal resolution of complaints;

(d) If necessary, continue to assist the consumer through the grievance and, if applicable, fair hearing processes; and

(e) Maintain confidentiality consistent with this chapter.

#### NEW SECTION

**WAC 275-57-170 Regional support networks and prepaid health plans—Consumer grievances.** The RSN or PHP shall establish an age and culturally appropriate process for consumers to pursue grievances. To this end, a consumer or enrolled recipient aggrieved by a decision of an RSN, PHP or the department shall have the right to a fair hearing, as required under chapter 388-08 WAC. The RSN or PHP shall establish a grievance process which:

(1) Is published and made known to consumers who are current or potential users of community mental health rehabilitation services in a readily understandable language and manner;

(2) Give consumers the opportunity to report grievances, and have the grievances investigated, and resolved promptly;

(3) Ensures retaliation, formal or informal, against a grievant does not occur;

(4) Ensures the retention of full records of all grievances in confidential files, separate from the grievant's case records, for five years from completion of the grievance process;

(5) Ensures the availability of ombuds service staff to assist grievants at all levels of the grievance and fair hearing processes;

(6) May progress through levels as established by the RSN or PHP, beginning at the provider level and ending at the RSN or PHP governance board or the board's designee. The RSN or PHP shall:

(a) Ensure the entire process, from the written request for grievance up to the request for fair hearing, shall not exceed thirty days. If the consumer orally reports a grievance, the RSN or PHP shall promptly refer the consumer to the ombuds service for assistance in writing the request; and

(b) Notify the grievant in writing of the reason for the decision and the right to request a fair hearing;

(7) Allows the participation of other persons at the grievant's choice; and

(8) Allows the grievant to request a fair hearing when the grievance concerns eligibility, enrollment or disenrollment, or the medical necessity for services, and when the:

(a) Grievance decision is adverse to the grievant;

(b) RSN or PHP does not respond, in writing, within thirty days from the date the grievant submitted the grievance in writing; or

(c) RSN or PHP denies an enrolled recipient urgently needed community mental health rehabilitation services and the enrolled recipient files a grievance in writing.

#### NEW SECTION

**WAC 275-57-180 Prepaid health plans—Purpose.** For contracts effective on or after October 1, 1993, the department may contract with prepaid health plans (PHPs) to:

(1) Provide community mental health rehabilitation services directly to an enrolled recipient; or

(2) Arrange for an enrolled recipient to receive community mental health rehabilitation services according to the contract between the department and a PHP.

#### NEW SECTION

**WAC 275-57-190 Prepaid health plans—Eligible consumers.** (1) The department shall enroll a Medicaid recipient in a PHP when the person resides in the PHP's contracted service area. The community services office (CSO) shall designate a person's residence in the Title XIX eligibility record.

(2) An enrolled recipient requesting or receiving medically necessary nonemergency community mental health rehabilitation services shall request and receive such services from the assigned PHP.

#### NEW SECTION

**WAC 275-57-200 Prepaid health plans—Exemptions.** (1) The department shall not require a person to enroll or continue enrollment in a PHP when the person has good cause for exemption.

(2) A person requesting an exemption from enrolling in the designated PHP shall file a request with the department. The department shall, in writing, timely notify the person of the exemption decision and the reasons for the decision.

(3) The person may request a fair hearing when the person is not satisfied with the department's decision regarding exemption.

#### NEW SECTION

**WAC 275-57-210 Prepaid health plans—Enrolled recipient's choice of primary care provider.** (1) Each enrolled recipient receiving nonemergency community mental health rehabilitation services shall have a primary care provider (PCP). For an enrolled recipient with an assigned case manager, the PCP shall be the case manager.

(2) An enrolled recipient requesting or receiving community mental health rehabilitation services shall have the right to choose a PCP from the available PCP staff in the PHP.

(3) A PHP shall assign an enrolled recipient to a PCP when the enrolled recipient requests community mental health rehabilitation services and does not choose a PCP in the PHP.

(4) A person enrolled in a PHP shall have the right to change the person's PCP:

- (a) One time during a calendar year for any reason;
- (b) For subsequent changes during the calendar year, only for documented good cause; and
- (c) By notifying the PHP of the:
  - (i) Desired change, including the name of the new PCP; and
  - (ii) Reason for a desired change.

NEW SECTION

**WAC 275-57-220 Prepaid health plans—Other services.** (1) The department shall pay for mental health or other services covered under the department's medical care programs that are excluded from the community mental health rehabilitation services managed care contract.

(2) The department's mental health or ancillary services may include, but are not limited to:

- (a) Transportation as described under WAC 388-86-085; and
- (b) Inpatient services.

NEW SECTION

**WAC 275-57-230 Prepaid health plans—Emergency services.** The department shall exempt emergencies and transportation for emergencies required by the enrolled recipient within the PHP from any routine pre-service authorization procedures employed by the PHP.

NEW SECTION

**WAC 275-57-240 Prepaid health plans—Consumer request for a second opinion.** An enrolled recipient in a PHP shall have the right to a second opinion by another participating staff in the enrolled recipient's assigned PHP:

- (1) When the enrolled recipient needs more information as to the medical necessity of treatment recommended by the PCP; or
- (2) If the enrolled recipient believes the PCP is not authorizing medically necessary community mental health rehabilitation services.

NEW SECTION

**WAC 275-57-250 Prepaid health plans—Enrollment termination.** (1) The department may terminate enrollment of a enrolled recipient in a PHP when:

- (a) An enrolled recipient loses eligibility for Title XIX categorically needy and medically needy services;
- (b) An enrolled recipient requests disenrollment from the PHP, and the department approves the request; or
- (c) A PHP requests, in writing, to the department the disenrollment of the enrolled recipient from the PHP and the PHP's requested disenrollment is approved by the department.
  - (2) The department shall:
    - (a) Disenroll only when the enrolled recipient:
      - (i) Is no longer eligible for Title XIX categorically and medically needy services;
      - (ii) Is deceased; or
      - (iii) Requests disenrollment from the PHP and meets the requirements of WAC 275-57-200.
    - (b) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and

(c) Notify the enrolled recipient ten days in advance of the effective date of the proposed disenrollment for any approved disenrollment.

NEW SECTION

**WAC 275-57-260 Prepaid health plans—Audit.** (1) At least once a year, the department shall conduct a PHP audit to promote the quality and accessibility of community mental health rehabilitation services a PHP provides or arranges for enrolled recipients. When reasonable, the audit shall coincide with the certification and licensure reviews of RSNs and providers.

(2) The PHP shall permit the department to conduct an audit.

(3) The department may conduct or contract independently for such an audit.

NEW SECTION

**WAC 275-57-270 Licensing procedures for service providers—Application and approval.** The department shall protect persons using licensed community mental health services by ensuring that the minimum standards under this chapter are uniformly applied and maintained statewide.

(1) Upon receipt of an inquiry concerning licensure of service under this chapter, the department shall provide written information to an interested party.

(2) A prospective applicant shall complete and return an application provided by the department and send a copy of the application to the RSN authority.

(3) The application shall identify the service components for which the applicant is requesting licensure. Service components include:

- (a) Crisis response services (section 390);
- (b) Brief intervention services (section 400);
- (c) Case management services (section 420);
- (d) Residential services (section 430);
- (e) Employment services (section 440); and
- (f) Psychiatric and medical services (section 450).

(4) The RSN shall review the application and send written comments either recommending or not recommending licensure to the department with a copy to the applicant. If the RSN does not approve the application, the department shall not process the application. If the department does not receive a response from the RSN or designee within thirty days, the department shall proceed with the application. This subsection does not apply to agencies not contracting or intending to contract with an RSN or PHP.

(5) The department shall acknowledge receipt from the applicant of the application, the fee, and all required materials, including waiver requests.

(6) After required materials have been received, the department shall conduct an on-site review to collect information to determine if a provider is in compliance with the minimum standards of this chapter, as described in the application packet. The department shall provide forty-five days written notice prior to the date scheduled for the initial licensure review.

(7) At the exit interview, the department shall define a plan of corrective action, if necessary.



(8) The department shall provide written notification to the provider and the RSN within sixty days of the exit interview of one of the following:

(a) Provisional licensure for one year if the provider has:

(i) An acceptable detailed plan for the development and operation of the services;

(ii) The availability of administrative and clinical expertise required to develop and provide the planned services;

(iii) The fiscal management and existence or projection of resources to reasonably ensure stability and solvency; and

(iv) Signed a corrective action plan, if applicable, for any deficiencies.

(b) Denial of the application if there is not substantial compliance with the above.

(i) The department shall specify the reasons for denial in writing.

(ii) The department's notice of denial, revocation, suspension, or modification of a licensing decision is governed by chapter 43.20A.205 RCW as existing or hereafter amended. The provider's right to a fair hearing is described in same law.

(iii) A provider wanting to contest a department licensing decision shall, within twenty-eight days of receipt of the decision:

(A) File a written application for a fair hearing by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(B) Include in the application a specific statement of the issue or issues and law involved, the grounds for contesting the department decision, and a copy of the department decision being contested.

(iv) If licensure is denied, the applicant may reapply for licensure not earlier than six months following the date of notification of denial.

(9) Within one year of a provider's provisional licensure, the department may conduct another on-site visit to verify the correction of previously noted deficiencies, and review other requirements for licensure, as necessary.

## NEW SECTION

**WAC 275-57-280 Licensing procedures for providers—Licensure status.** The department shall define the conditions under which a provider may receive and maintain a license. The department shall, based on findings of a licensure review, assign the provider, or specific services of the provider, one of the following licensure statuses:

### (1) Full licensure.

(a) Under this status, the RSN or PHP may contract with the provider to provide those mental health services for which the provider is licensed.

(b) The department shall require the provider to submit and implement a plan of correction to resolve deficiencies, if present. The department may revoke the license if the provider does not implement the plan of correction.

(c) At any time the department receives information indicating the provider is not in compliance with minimum standards for community mental health programs, the department may conduct a licensure review and revoke the

license if the review shows the provider is not in substantial compliance.

(d) If evidence indicates that the health and safety of the consumer is in danger, the department may suspend the license immediately.

### (2) Probationary licensure.

(a) Under this status, the provider may be eligible to contract with the RSN or PHP on conditions specified by the department.

(b) To achieve full licensure, the provider shall demonstrate to the department that it has met the conditions of the probationary status.

(c) The provider shall request that the department review its corrective actions within six months of notification of probationary status or the department shall revoke its licensure.

(d) The department shall review the provider's corrective actions and make a redetermination of licensure status within six months of the date of the provider's request for review.

(e) The department shall only assign probationary status to a provider as an outcome of the department's first licensure review of a provider or a new provider service.

### (3) Provisional licensure.

Under this status, the provider may be eligible to contract with the RSN or PHP. The department may give a new provider or a provider planning to offer a new service a provisional license for up to one year as described under section 270 of this chapter.

### (4) Suspended licensure.

(a) Under this status, the department may find the provider substantially out of compliance with minimum standards, or is jeopardizing consumer health and safety.

(b) The RSN or PHP shall not contract with a provider with a suspended license.

(c) To re-achieve full licensure, the provider shall demonstrate to the department that the provider has completed all required corrective actions and complies with relevant WAC.

(d) The provider may request that the department review its corrective actions within six months of notification of suspended status. In the absence of such request, the department shall revoke the provider's license.

### (5) Revoked licensure.

(a) Under this status, the department removes the provider's license.

(b) The RSN or PHP shall not contract with a provider with a revoked license.

(c) To achieve full licensure, the provider shall make a new application as described under subsection (1) of this section.

### (6) Deemed status.

A provider may request the department deem licensure, accreditation, or certification from another regulatory agency or accrediting organization equivalent to licensure by the department. "Deemed status" will be contingent on continued licensure, accreditation, or certification. Upon receipt of the request, the department shall consider:

(a) The extent to which requirements of the other regulatory agency or accrediting organization are pertinent to the services provided under this chapter;

(b) The extent to which the requirements of the other agency maintain, meet, or exceed the standards described under this chapter; and

(c) Whether the requirement is in statute and, therefore, may not be waived.

(7) A provider failing to attain licensure or whose licensure is revoked may re-apply for licensure not earlier than six months following the date of the department's notification.

(a) The provider shall ensure the application documents the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has substantially corrected deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

(8) The department shall determine a provider's license in effect for at least one year or until the department conducts a review for re-licensure or accreditation.

NEW SECTION

**WAC 275-57-290 Licensed service providers—Written schedule of fees.** The provider shall ensure consumers receive necessary mental health services, regardless of ability to pay the full rate.

(1) The provider, excepting services also licensed under chapters 248-14, 246-316 or 246-325 WAC, shall establish and use a sliding fee schedule approved by the department and based on the resources available to the consumer to pay for mental health services and the provider's actual cost of care.

(2) The department shall only approve sliding scale fee schedules not requiring payment from consumers with income levels equal to or below the grant standards for the general assistance program, as required under chapter 388-29-100 WAC.

(3) A provider shall ensure the fee schedule is posted and accessible to the provider's staff and consumers.

(4) A provider not contracting with an RSN or PHP shall maintain a sliding fee schedule in accordance with subsections (1) and (2) of this section.

NEW SECTION

**WAC 275-57-300 Licensed service providers—Continuous quality improvement.** A provider shall maintain an internal process to improve quality of care.

(1) A provider shall develop and implement a continuous quality improvement process which:

(a) At least annually samples consumers served;

(b) Provides for at least an annual review of each staff member providing direct services, with special attention to outcomes, responsiveness to consumer needs, and considering any complaints or grievances against the person;

(c) Reviews all serious incidents;

(d) Assesses the quality of intake evaluations; and

(e) Assesses the extent to which medications are effectively prescribed.

(2) A person providing mental health services shall not review their own work.

(3) A provider shall use collected data to correct deficiencies and improve services.

NEW SECTION

**WAC 275-57-310 Licensed service providers—Staff qualifications.** A provider shall employ and retain respectful, competent staff. The provider shall:

(1) Require that all clinical services be provided by a mental health professional or under the clinical supervision of a mental health professional as defined under section 020 of this chapter. The supervisor shall have two years experience working with priority populations;

(2) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to the job requirements;

(3) Conduct a Washington State Patrol background check and reference check on all staff providing direct services;

(4) Orient direct service staff with less than one year's experience in providing community support services in skills pertinent to the position and the treatment population.

(a) The provider shall include training in:

(i) Characteristics of severe and persistent mental illness;

(ii) Effective age and culturally competent community support interventions relevant to the population served;

(iii) Psychopharmacology;

(iv) Advocacy and linking consumers to community resources;

(v) Working with and supporting families;

(vi) For staff providing crisis response services under section 390 of this chapter: crisis intervention and managing assaultive/suicidal behavior; and

(vii) For staff providing vocational services under section 440 of this chapter: training in vocational assessment and concepts of supported employment.

(b) Persons providing direct services to consumers shall complete this orientation within three months of employment. However, the RSN may waive this requirement for specific topics when the staff person can provide documentation to the RSN demonstrating training, knowledge, or experience in the waived topics.

(5) Provide annual training and staff development under an individualized training plan with time frames for each direct service staff person in the skills pertinent to the position and the treatment population. Such training includes consumers, families and community members as trainers. At minimum, the provider shall make training available in the following topics:

(a) Effective community support interventions;

(b) Providing individualized, needs-driven planning and services;

(c) Providing services which are responsive to the unique needs of underserved populations and other special populations. Examples of special populations are persons with mental illness who:

(i) Use high amounts of hospital services;

(ii) Receive services from multiple systems;

(iii) Are sexual minorities;

(iv) Abuse substances;

(v) Have a developmental disability;

(vi) Are homeless; and

(vii) Have AIDS or who are HIV positive.

(6) Provide regular supervision. Supervision may include routine team case reviews; and

(7) Conduct periodic staff evaluations.

#### NEW SECTION

**WAC 275-57-320 Licensed service providers—Qualifications appropriate to the needs of the consumer population.** The clinical qualifications of persons providing and/or supervising clinical services shall reflect the diverse needs of the consumer population.

(1) The provider shall ensure services directed to children are provided by, under the supervision of, or with consultation from a child mental health specialist defined as:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to:

(i) The study of child development; and

(ii) The treatment of seriously disturbed children and their families.

(b) Having the equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and their families under the supervision of a child mental health specialist.

(2) The provider shall ensure services directed to the elderly are provided by, under the supervision of, or with consultation from a geriatric mental health specialist defined as:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the problems and treatment of the elderly; and

(b) Having the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

(3) The provider shall ensure services directed to ethnic minority consumers are provided by, under the supervision of, or with consultation from a minority mental health specialist defined as:

(a) A mental health professional having the equivalent of one year of full-time experience in the treatment of consumers in the ethnic minority group served; and

(b) Demonstrating cultural competence attained through major commitment, ongoing training, experience or specialization in serving ethnic minorities. In assessing such commitment, the department shall consider:

(i) Evidence of one year of service specializing in serving the minority group under the supervision of a minority mental health specialist;

(ii) Evidence of support from the ethnic minority community attesting to the person's commitment to service to that community;

(iii) Citations of specific examples of the person's competence; or

(iv) Having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) The provider shall ensure services directed to consumers with a disability shall be provided by, under the supervision of, or with consultation from a mental health

specialist with special expertise in working with that disabled group.

(a) If the consumer is deaf, the specialist shall be a mental health professional knowledgeable of deaf culture and psychosocial problems, and able to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities shall have a minimum of one hundred actual hours (not semester or quarter hours) of specialized training devoted to the problem and treatment of persons with a developmental disability, or have one year of supervised experience in a developmental disability or special education program, or be a developmental disability or special education professional.

(5) Where the mental health specialists required under this section are unavailable within the RSN, the RSN shall:

(a) Document effort to acquire the services of the required specialists; and

(b) Develop a training program using in-service training or outside resources to assist service providers to acquire necessary skills and experience to serve the needs of the consumer population. If a significant ethnic minority population, as defined by department guidelines, exists in the RSN, the RSN shall develop the training program to assist provider staff members to acquire the specialized training and supervision to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to:

(i) Provide all or part of the clinical services for these populations; or

(ii) Supervise or provide consultation to staff members providing clinical services to these populations.

#### NEW SECTION

**WAC 275-57-330 Personnel management—Affirmative action.** The provider shall have an affirmative action program complying with:

(1) Title VII of the Civil Rights Act of 1964;

(2) The Equal Pay Act of 1963;

(3) Section 504 of the 1974 Rehabilitation Act;

(4) The Americans with Disabilities Act;

(5) The department's affirmative action guidelines; and

(6) Other applicable federal, state, and local laws and regulations.

#### NEW SECTION

**WAC 275-57-340 Consumer rights.** The RSN, PHP and provider shall ensure consumers are knowledgeable of and protected by certain rights.

(1) The RSN, PHP, and provider shall ensure consumers, prospective consumers, and/or legally responsible others are verbally informed, in their primary language, of consumer rights at admission to community support services.

(2) The provider shall post a written statement of consumer rights in public areas. A copy shall be available to consumers on request. Providers of only telephone services (e.g., crisis lines) shall post the statement of consumer rights in a location visible to staff and volunteers during working hours.

(3) The provider shall ensure the statement of consumer rights incorporates the following statement or a variation approved by the department: "You have the right to:

- (a) Be treated with respect and dignity;
- (b) Develop a plan of care and services which meets your unique needs;
- (c) Refuse any proposed treatment, consistent with the requirements in chapters 71.05 and 71.34 RCW;
- (d) Receive care which does not discriminate against you, and is sensitive to your sex, race, national origin, language, age, disability, and sexual orientation;
- (e) Be free of any sexual exploitation or harassment;
- (f) Review your case record;
- (g) Receive an explanation of all medications prescribed, including expected effect and possible side effects;
- (h) Confidentiality, as described in relevant statutes (chapters 70.02, 71.05 and 71.34 RCW) and regulations (chapters 275-54 and 275-55 WAC and this chapter); and
- (i) Lodge a complaint or grievance with the ombuds person, RSN or provider if you believe your rights have been violated. If you lodge a complaint or grievance, you shall be free of any act of retaliation. The ombuds person's phone number is: ."

**NEW SECTION**

**WAC 275-57-350 Consent to treatment and access to records.** This section defines the conditions for informed consent to treatment and enables a consumer to access a consumer's own records. To this end, the RSN and licensed providers shall protect and ensure the rights of all consumers and former consumers.

(1) Any minor over twelve years of age may request and receive treatment without consent of the minor's parents. Parental consent for evaluation and treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.

(2) The department, RSN, PHP, or provider shall presume an adult is competent to consent to treatment unless adjudicated otherwise.

(3) When the consumer, or the consumer's legally responsible other, requests review of case records, the provider shall:

(a) Grant the request within seven days, unless the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child;

(b) Review the case record in order to identify and remove any material confidential to another person;

(c) Allow the consumer sufficient time and privacy to review the record to the consumer's satisfaction. At the request of the consumer, a clinical staff member shall be available to answer questions;

(d) Permit persons requested by the consumer to also be present; and

(e) Assess a reasonable and uniform charge for reproduction, if so desired.

(4) The department, RSN, PHP or provider shall obtain written, informed consent of the consumer or legally responsible other before:

- (a) Use of medication;
- (d) Use of audio and/or visual device to record the consumer's behavior; and
- (e) The consumer serves as a subject for research.

**NEW SECTION**

**WAC 275-57-360 Services administration—Confidentiality of consumer information.** The RSN, PHP, and provider shall ensure information about person consumers not be shared or released except as specified under statute and rule.

The RSN and the provider shall protect the confidentiality of all information relating to consumers or former consumers under all confidentiality requirements as defined in chapters 70.02, 71.05, and 71.34 RCW.

**NEW SECTION**

**WAC 275-57-370 Research—Requirements.** (1) The RSN, PHP, or provider shall conduct research involving human subjects in accordance with 45 CFR, Part 46, Protection of Human Subjects.

(2) An institutional review board (IRB), as defined in chapter 70.02.010 RCW, shall review and approve research prior to contact with subjects.

(3) The RSN, PHP, or provider shall ensure disclosure of patient records without written consent adheres to requirements in chapters 42.48, 70.02, 71.05.390, 71.05.630, and 71.34 RCW.

(4) The RSN, PHP, or provider shall require certification that proposed research has IRB approval before allowing research activities to commence.

**NEW SECTION**

**WAC 275-57-380 Licensed service providers—Accessibility.** The provider shall ensure services are easily accessible to consumers. The provider shall make services readily accessible to consumers when and where they are needed and shall reduce or eliminate barriers to service. The provider shall ensure:

(1) Facilities in which services are provided comply with the Americans with Disabilities Act;

(2) Services are compatible with the culture and in the language of ethnic minority consumers where a significant ethnic minority population, as defined by department guidelines, exists in the RSN;

(3) Alternative service delivery models are provided, where possible, to enhance utilization by underserved groups;

(4) Access to TTY and certified interpreters for hearing impaired consumers; and

(5) Services are brought to the consumer or located at sites where transportation is available to consumers.

**NEW SECTION**

**WAC 275-57-390 Crisis response services.** The RSN, or its designee, shall provide an integrated crisis response system (CRS) twenty-four-hours-a-day and seven-days-a-week, serving persons of all ages and cultures in crisis. When direct intervention is necessary, the RSN shall, when possible, bring services directly to the person in crisis,

stabilizing and supporting the person until the crisis is resolved or a referral made. The RSN shall:

- (1) Provide telephone screening which:
  - (a) Includes a prominently displayed phone number in the emergency and white page sections of the local phone directory;
  - (b) Ensures all phone calls are answered by people; and
  - (c) Limits busy signals.
- (2) Ensure the least restrictive resolution of the crisis by providing the following services twenty-four-hours-a-day and seven-days-a-week:
  - (a) Initial screening and assessment to determine:
    - (i) Whether the crisis has a mental illness basis; and
    - (ii) Course of action to resolve the crisis.
  - (b) Mobile outreach to:
    - (i) Conduct face-to-face evaluations; and
    - (ii) Provide in-home or in-community stabilization services, including flexible supports to the person where the person lives. The CRS shall continuously provide stabilization services until the crisis is resolved or a referral made.
  - (c) Access to:
    - (i) Medical services, including:
      - (A) Emergency medical services;
      - (B) Preliminary screening for organic disorders;
      - (C) Prescription services; and
      - (D) Medication administration.
    - (ii) Interpretative services enabling staff to communicate with persons who are limited English proficient;
    - (iii) Voluntary and involuntary psychiatric inpatient care (chapters 71.05 and 71.34 RCW); and
    - (iv) Other needed resources.
  - (d) Investigation and detention services (chapters 71.05 and 71.34 RCW).
- (3) Engage family, significant others, and other relevant treatment providers as necessary to provide support to the person in crisis.
- (4) Document all telephone and face-to-face contacts to include:
  - (a) Source of referral;
  - (b) Nature of crisis;
  - (c) Time elapsed from initial contact to response; and
  - (d) Outcomes, including:
    - (i) Decision not to respond in person, if applicable;
    - (ii) Follow-up; and
    - (iii) Referrals made.

#### NEW SECTION

**WAC 275-57-400 Brief intervention services.** The provider shall implement a streamlined process to provide planned, brief therapeutic interventions to persons within the priority populations and eligible recipients in the Medicaid program who require time-limited medically necessary services.

- (1) The RSN shall define the number of allowable brief intervention services.
- (2) A person receiving more than fifteen hours of service in a twelve-month period shall receive a full intake evaluation as described in section 410(2) of this chapter.
- (3) The provider of brief intervention services shall gather the following information in the intake to brief interventions:

- (a) Mental status examination;
  - (b) Functioning in daily life domains, showing strengths as well as needs;
  - (c) Substance use and abuse;
  - (d) The name of the consumer's most recent physician and prescribed medications, if known;
  - (e) A brief plan of action to achieve mutually agreed upon outcomes; and
  - (f) The intake evaluation shall not present a barrier to service. When seeking information from the consumer might pose a barrier to service, any of the above items may be left incomplete, providing that noncompletion and reasons are documented in the record.
- (4) Licensed providers not contracting with an RSN or PHP are exempt from the requirements of subsection (1) of this section.

#### NEW SECTION

**WAC 275-57-410 Community support services—General requirements.** The RSN, or its designee, shall provide community support services to persons requiring ongoing supports to live in the community. Each community support service, as defined in sections 420 through 450 of this chapter, shall meet the requirements of this section.

- (1) **Admission.** Resource management services shall approve consumer admission to community support services.
- (2) **Intake Evaluation.** The provider and consumer shall collaboratively identify consumer needs through a full intake evaluation completed within thirty days of admission to community support services. Staff conducting an intake evaluation shall have training in this activity.

- (a) The provider shall address in an intake evaluation:
  - (i) Psycho-social and cultural history;
  - (ii) Functioning in daily life domains, showing strengths as well as needs;
  - (iii) Substance use and abuse;
  - (iv) Medical history, including medications used. For persons receiving care from a health care professional, the provider shall seek permission to receive pertinent medical information. For persons not under the care of a health care professional, the provider shall make a referral for a physical examination; and
  - (v) For children, a developmental history.
- (b) The provider shall, when possible, include input from family members and/or other natural support systems, when acceptable to the person.

(c) The provider may reference or include historical information from other providers as part of the intake evaluation.

(d) When seeking information from the consumer might pose a barrier to service, the provider may leave incomplete requirements of subsection (2) of this section, providing that the provider documents noncompletion and reasons in the record.

(3) **Individualized Plan.** The provider shall implement an individualized plan in collaboration with the consumer within thirty days of admission to community support services. The provider shall:

- (a) For adults, develop the plan with the consumer and include people who provide active support to the consumer

(e.g., family members, teachers, etc.), at the consumer's request;

(b) For children, develop the plan with the child and others who provide active support to the child;

(c) Focus on normalization and address needs identified by the consumer, which may include:

- (i) Least-restrictive housing;
- (ii) Income;
- (iii) Work or school;
- (iv) Social life;
- (v) Treatment including psychotherapy; and
- (vi) Services to address the specialized needs of underserved populations.

(d) Link outcomes to specific goals and time frames for achieving the outcomes;

(e) Define services to achieve the identified outcomes. The provider shall flexibly develop or purchase services to meet the unique needs of the person consumer;

(f) Be responsive to the consumer's age, culture, and disability; and

(g) Be mutually reviewed at the request of the consumer every six months or more often.

(4) **Documentation.**

(a) The provider shall periodically document consumer progress in and satisfaction with achieving treatment goals in the case record.

(b) The provider shall include in the case record specific progress toward established goals, changes in individualized plans, and extraordinary events.

(c) A mental health professional shall review and sign off on the intake evaluation, the individualized plan, and revisions to the individualized plan.

NEW SECTION

**WAC 275-57-420 Community support services—Case management services.** The RSN, or its designee, shall provide case management services including outreach and support to achieve the individualized plan's outcomes. Case management services shall:

(1) Encourage consumer independence by assisting a consumer to meet the consumer's own needs. To this end, case management staff shall help the consumer:

(a) Access basic needs in an age and culturally competent manner, including:

- (i) Housing;
- (ii) Food;
- (iii) Income; and
- (iv) Health care.

(b) Work or participate in other daily activities appropriate to the consumer's age and culture;

(c) Link with the regular social life of the community;

(d) Access other needed services, such as substance abuse treatment, and health care;

(e) Resolve crises in least-restrictive settings; and

(f) Manage symptoms by providing information and education about the consumer's illness and treatment;

(2) Assist family members and other care givers in their efforts to support and care for the consumer;

(3) Include, as necessary, flexible application of funds, such as rent subsidies, rental deposits, and in-home care to enable stable community living; and

(4) Provide services where and when needed to maximize consumer independence.

NEW SECTION

**WAC 275-57-430 Community support services—Residential services.** The RSN, or its designee, shall provide residential services emphasizing least-restrictive, stable living situations appropriate to the age, culture, and residential needs of each consumer.

(1) The RSN's array of residential services shall emphasize supporting consumers in their own homes in the community. When supervised group living is necessary, the RSN shall emphasize supervised settings which:

- (a) Maximize personal privacy and independence; and
- (b) Have eight or fewer beds.

(2) Where the RSN provides supervised residential services in an adult family home, the adult family home shall comply with chapter 388-76 WAC.

(3) Where the RSN provides supervised residential services in a children's foster home, the children's foster home shall comply with chapter 388-73 WAC.

(4) Where the RSN provides residential services in a boarding home facility, the boarding home facility shall comply with chapter 246-316 WAC.

(5) Where the RSN provides residential services in an adult residential rehabilitative center facility, the adult residential rehabilitative facility shall comply with chapter 246-325 WAC.

NEW SECTION

**WAC 275-57-440 Community support services—Employment services.** The RSN, or its designee, shall provide employment services to provide opportunities for consumers to work. The RSN, or its designee, shall provide age and culturally appropriate employment services as a treatment option to consumers wanting to work.

(1) Employment services shall include:

(a) A vocational assessment of work history, skills, training, education, and personal career goals;

(b) Public assistance information;

(c) Active involvement with consumers served in establishing individualized job and career development plans and revision of the individualized plan accordingly;

(d) Assistance in locating employment opportunities consistent with consumer skills, goals, and interests;

(e) Integrated supported employment, including outreach and support services in the place of employment, if required, as well as the use of other interventions such as job coaching; and

(f) Interaction with the consumers' employer to maintain stability of employment and advise on reasonable accommodation in accordance with the Americans with Disabilities Act (ADA) of 1990.

(2) Any RSN, or RSN subcontractor, employing consumers as part of the pre-vocational or vocational program shall

(a) Pay consumers in accordance with the Fair Labor Standards Act; and

(b) Ensure safety standards are in place in full compliance with local and state regulations.

(3) The RSN shall coordinate efforts with rehabilitation and employment services, such as the division of vocational rehabilitation, the state employment services and the business community and job placement services within the community.

(4) Agencies accredited by Commission on Accreditation of Rehabilitation Facilities (CARF), or Rehabilitation Services Accreditation System (RSAS) shall be considered the same as licensed by the state for employment services. Other organizations with equivalent standards may be considered for state licensure for employment services.

#### NEW SECTION

**WAC 275-57-450 Community support services—Psychiatric and medical services.** The RSN, or its designee, shall provide psychiatric and medical services to ensure consumers are prescribed medications, when necessary, to treat symptoms, become knowledgeable about any prescribed medications and side effects, and are referred to treatment for nonpsychiatric medical problems.

(1) The provider shall vest overall medical responsibility in a physician licensed to practice under chapter 18.57 or 18.71 RCW, and board eligible in psychiatry. Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

(a) Psychiatric consultation is provided to the physician at least monthly; and  
 (b) A psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

(2) Only staff licensed to do so may prescribe medications. Prescribing staff shall review medications at least every three months.

(3) Only staff licensed to do so may administer medications.

(4) When a consumer receives only medication services from a provider, the provider may develop and implement a brief intake and plan, as defined in section 400 of this chapter.

(5) The provider shall maintain medication information in the consumer record documenting at least the following for each prescribed medication:

(a) Name and purpose of medication;  
 (b) Dosage and method of administration;  
 (c) Dates prescribed, reviewed, and/or renewed;  
 (d) Observed and reported effects, interactions, and side effects. Staff shall query consumers concerning such information;  
 (e) Any laboratory findings;  
 (f) Reasons for change or termination of medication; and  
 (g) Name and signature of prescribing person.  
 (6) When physical health problems are suspected or identified, the provider shall consult with and/or make a referral to a physician or alternative health care provider. The provider shall include current medical concerns, as necessary, in the individualized plan.

#### NEW SECTION

**WAC 275-57-460 Community support services—In-home services.** The RSN, or its designee, shall provide in-home services to assist a consumer with daily living and/or adaptive skills to enable continued living in the consumer's own home. The RSN, or its designee, shall provide, where needed, in-home services to assist consumers with daily living and/or adaptive skills to enable continued living in the consumer's own home.

(1) The consumer's case manager or other designee of the RSN shall periodically make home visits to assess:

(a) The consumer's satisfaction with in-home services;  
 (b) Quality of services provided; and  
 (c) Need for continued services.

(2) Persons providing in-home services shall either be immediate family members, or shall have:

(a) A Washington State Patrol background check to ensure against a history of theft, abuse, or assault, except if such conduct was associated with a mental disorder that is currently stabilized; and

(b) Three reference checks.

(3) The in-home service worker shall have an age and culturally competent orientation and training based on the worker's experience, but ensuring basic knowledge in:

(a) Nutrition;  
 (b) Hygiene;  
 (c) Symptoms of decompensation; and  
 (d) Symptoms of medication reaction.

#### NEW SECTION

**WAC 275-57-470 Community support services—Consumer or advocate run services.** The RSN, or its designee, shall provide services operated or staffed by consumers, former consumers, family members of consumers, or other advocates.

(1) The department shall not require a consumer or advocate run service to maintain licensure under this chapter if the service is nonclinical. If a service is clinical, the service shall comply with the requirements for licensed services in this chapter.

(2) Consumer or advocate run services may include, but are not limited to:

(a) Consumer and/or advocate jointly operated businesses;  
 (b) Consumer and/or advocate jointly operated and managed clubhouses, such as the Boston University or Fountain House models;  
 (c) Consumer and/or advocate jointly operated crisis respite services;  
 (d) Advocacy and referral services;  
 (e) Consumer and/or advocate operated household assistance programs;  
 (f) Self-help and peer support groups; or  
 (g) Other services.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 275-56 Community mental health programs.

**WSR 94-12-007  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed May 19, 1994, 3:47 p.m.]

Continuance of WSR 94-03-106.

Title of Rule: Commercial fishing rules.

Purpose: Amend marine fish and shellfish rules.

Other Identifying Information: This filing is a continuance for adoption only.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 94-03-106.

Reasons Supporting Proposal: See WSR 94-03-106.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1100 Washington Street, Olympia, 902-2930; Implementation: Mary Lou Mills, 1100 Washington Street, Olympia, 902-2834; and Enforcement: Dayna Matthews, 1100 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 94-03-106.

Proposal Changes the Following Existing Rules: See WSR 94-03-106.

Small Business Economic Impact Statement: See WSR 94-03-106.

Date of Intended Adoption: April 1, 1994.

March 11, 1994  
Mary Lou Mills  
for Robert Turner  
Director

**WSR 94-12-010  
PREPROPOSAL COMMENTS  
INTERAGENCY COMMITTEE  
OR OUTDOOR RECREATION**  
[Filed May 20, 1994, 1:48 p.m.]

Subject of Possible Rule Making: Interagency committee's administrative rules were originally written to cover a single grant program. Through the years, as new programs have been added, the design of these rules has become outdated and inefficient. The purpose of this revision is "housekeeping." That is, to clarify existing language, eliminate unnecessary and duplicatory text, reorganize existing sections and chapters into a more coherent format, update the "public records" chapter according to recent changes to existing law, add such standard sections as "conversions" and "planning" where appropriate, and add new chapters to address interagency committee's firearms range, Initiative 215 boating facilities, and land and water conservation programs.

Persons may Comment on this Subject in the Following Ways: Convey comments to Greg Lovelady, Rules Coordinator, Interagency Committee for Outdoor Recreation, Natural Resources Building, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, (206) 902-3008,

FAX (206) 902-3026. Comments must be received prior to June 30, 1994, at 5 p.m.

Appear to Testify at the Adoption Consideration Hearing: Regular meeting of the Interagency Committee for Outdoor Recreation, 9:10 a.m., July 29, 1994, Summit Inn, "Summit 1" Room, Snoqualmie Pass, Washington.

Other Information or Comments by Agency at this Time, if any: Interagency committee intends to advance this routine proposal through a participatory process. That is, the recommendations will be distributed to all interested parties, comments will be encouraged via mail and telephone, adoption will be considered at an advertised public hearing. In addition, in June 1994, if sufficient interest is indicated, a workshop to discuss these rules will be conducted. Statutory authority for the changes is provided in: RCW 43.98A [43.98A.070](1), 43.98A.070(5), 43.99.080, 46.09.240, 77.12.730.

May 19, 1994  
Gregory W. Lovelady  
Chief, Planning Services

**WSR 94-12-015  
PREPROPOSAL COMMENTS  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT**  
(Building Code Council)  
[Filed May 23, 1994, 3:52 p.m.]

Subject of Possible Rule Making: WAC 51-04-030 Building Code Council policies for consideration of proposed local government residential amendments, revise section references to the uniform codes.

Persons may Comment on this Subject in the Following Ways: Written comments submitted by September 7, 1994, to Gene Colin, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300. Oral Comments/Public Hearings: Seattle Airport Hilton, 17620 Pacific Highway South, SeaTac, WA 98188, on Thursday, September 8, 1994, at 9:00 a.m. or Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9:00 a.m.

May 20, 1994  
Gene Colin  
Chair

**WSR 94-12-016  
PREPROPOSAL COMMENTS  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT**  
(Building Code Council)  
[Filed May 23, 1994, 3:54 p.m.]

Subject of Possible Rule Making: 1990 Washington State Ventilation and Indoor Air Quality Code (Second Edition), chapter 51-13 WAC, classification for the list of counties with a high risk of radon and revise section references to the uniform codes.

Persons may Comment on this Subject in the Following Ways: Written comments submitted by September 7, 1994,



to Gene Colin, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300. Public Hearings/Oral Comments: Seattle Airport Hilton, 17620 Pacific Highway South, SeaTac, WA 98188, on Thursday, September 8, 1994, at 9:00 a.m. or Spokane City Hall, City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on Friday, September 9, 1994, at 9:00 a.m.

May 20, 1994  
Gene Colin  
Chair

**WSR 94-12-017**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
(Building Code Council)  
[Filed May 23, 1994, 3:56 p.m.]

Subject of Possible Rule Making: 1994 Washington State Energy Code (First Edition), chapter 51-11 WAC, revise Energy Code requirements for log and solid timber homes heated with other fuels and revise section references to uniform codes.

Persons may Comment on this Subject in the Following Ways: Written comments submitted by August 10, 1994, to Gene Colin, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300. Public Hearing/Oral Comments: SeaTac Marriott, 3201 South 176th Street, SeaTac, WA 98188, on August 12, 1994, at 9:00 a.m.

May 20, 1994  
Gene Colin  
Chair

**WSR 94-12-021**  
**PROPOSED RULES**  
**HEALTH CARE**  
**FACILITIES AUTHORITY**  
[Filed May 24, 1994, 8:43 a.m.]

Original Notice.

Title of Rule: Defining and categorizing health care facilities.

Purpose: To identify types of health care facilities and provide other factors to determine whether a facility (including land, structures, systems, machinery, equipment or other property useful for or associated with the delivery of inpatient or outpatient health care services or support) is a health care facility and is eligible for financing assistance from the Washington Health Care Facilities Authority.

Statutory Authority for Adoption: RCW 70.37.050.

Statute Being Implemented: RCW 70.37.020.

Summary: The proposed rule identifies which facilities owned or operated by participants (as defined in RCW 70.37.020(4)) would be eligible for tax-exempt financing through the Washington Health Care Facilities Authority and defines a process for determining eligibility for facilities not included in the listed categories and for mixed-use facilities.

Reasons Supporting Proposal: The rule provides guidance to applicants seeking financing and to bond counsel

determining whether an applicant is eligible for financing assistance through the Washington Health Care Facilities Authority.

Name of Agency Personnel Responsible for Drafting: Pamela Campbell Mead, 1212 Jefferson Street S.E., Suite 201, (206) 753-6185; Implementation and Enforcement: John H. Van Gorkom, 1212 Jefferson Street S.E., Suite 201, (206) 753-6185.

Name of Proponent: Washington Health Care Facilities Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule makes clear that if the listed facilities are owned or operated by nonprofit or municipal corporations (i.e., a "participant" as defined by statute) then they are eligible to obtain tax-exempt financing through the Washington Health Care Facilities Authority. If the facility is not among the facilities listed, it or a part of it, may still be eligible for tax-exempt financing through the authority. For such a facility, the rule outlines a process for determining whether it or a portion of it is a health care facility. Note: To receive tax-exempt financing, health care facilities must also fulfill the statutory criteria of need and feasibility, as well as, satisfy certain federal tax law requirements.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington Health Care Facilities Authority, 1212 Jefferson Street S.E., Suite 201, Olympia, WA 98504-0935, on July 5, 1994, at 9:00 a.m.

Submit Written Comments to: Pamela Mead, Washington Health Care Facilities Authority, 1212 Jefferson Street S.E., Suite 201, Olympia, WA 98504-0935, by July 5, 1994.

Date of Intended Adoption: July 15, 1994.

May 6, 1994  
John H. Van Gorkom  
Executive Director

**PROPOSED RULES OF WASHINGTON HEALTH**  
**CARE FACILITIES AUTHORITY**  
**DEFINING HEALTH CARE FACILITY**

NEW SECTION

**WAC 247-04-010 Purpose.** The purpose of this chapter shall be to provide guidance regarding the determination of facilities as health care facilities as defined for purposes of chapter 70.37 RCW, and the resulting eligibility for authority financial assistance. If a facility owned or operated by a participant (as defined in RCW 70.37.020(4)) is determined to be a health care facility, it shall be eligible for financing provided by the authority. If a facility is determined not to be a health care facility, then the authority shall not provide financing for such facility. If a facility is used for both health care and nonhealth care uses, then only those portions of the facility which are determined to be health care facilities shall be eligible for financing provided by the authority.

NEW SECTION

**WAC 247-04-020 Facilities which are health care facilities.** For the purposes of chapter 70.37 RCW, the term health care facility includes the following facilities which are constructed, purchased, acquired, leased, used, owned or operated by a participant (as defined in RCW 70.37.020(4)):

- (1) Hospices licensed under chapter 70.127 RCW;
- (2) Hospitals licensed under chapter 70.41 RCW;
- (3) Rural health facilities as defined in RCW 70.175.020;
- (4) Psychiatric hospitals licensed under chapter 71.12 RCW;
- (5) Nursing homes licensed under chapter 18.51 RCW (excluding any facility maintained by a participant as an independent nursing home);
- (6) Community mental health centers licensed under chapter 71.05 or 71.24 RCW;
- (7) Kidney disease treatment centers licensed under chapter 70.41 RCW;
- (8) Ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW;
- (9) Drug and alcohol treatment facilities licensed under chapter 70.96A RCW;
- (10) Home health agencies licensed under chapter 70.127 RCW;
- (11) Abortion clinics;
- (12) Acupuncture clinics;
- (13) Asthma and allergy clinics;
- (14) Birthing centers;
- (15) Blood banks and blood centers;
- (16) Children's clinics or hospitals;
- (17) Chiropractic clinics;
- (18) Community health clinics or centers;
- (19) Comprehensive cancer centers;
- (20) Comprehensive community health centers;
- (21) Cosmetic surgery clinics;
- (22) Dental clinics;
- (23) Emergency hospitals;
- (24) Evaluation and treatment facilities for mentally ill persons;
- (25) Extended care facilities;
- (26) Eye banks;
- (27) Fertility clinics;
- (28) Foot and ankle clinics;
- (29) Health maintenance organizations;
- (30) Homeopathic clinics;
- (31) Hypnotherapy centers;
- (32) Medical test sites;
- (33) Mental health clinics or centers;
- (34) Naturopathic clinics;
- (35) Optometry clinics;
- (36) Orthopedic clinics;
- (37) Osteopathic clinics;
- (38) Physical therapy clinics or centers;
- (39) Prosthetic and orthotic clinics;
- (40) Psychiatric clinics;
- (41) Skilled nursing facilities;
- (42) Sports medicine clinics; and
- (43) Women's health care clinics.

NEW SECTION

**WAC 247-04-030 Facilities which may be health care facilities.** (1) Upon investigation, at the request of a participant, the authority may determine other facilities (including land, structures, systems, machinery, equipment or other real or personal property or appurtenances useful for or associated with the delivery of inpatient or outpatient health care service or support for such care or any combination thereof) to be health care facilities for purposes of chapter 70.37 RCW, to the extent that the participant intends such health care activities to be a principal use of such facility. Such facilities may include the following, among others:

- (a) Adult day care centers;
  - (b) Counseling centers;
  - (c) Family planning centers;
  - (d) Group care facilities for children with disabilities;
  - (e) Juvenile evaluation and treatment facilities;
  - (f) Occupational health clinics;
  - (g) Rehabilitation centers;
  - (h) Speech and hearing clinics; and
  - (i) Training centers for persons with developmental disabilities.
- (2) A determination that a facility is a health care facility shall be based on both actual and intended use, as expressed by the participant in its request to the authority for such determination and other supporting documentation, including information responsive to the factors described in WAC 247-04-040 below and as may be required by executive director.

NEW SECTION

**WAC 247-04-040 Factors to be considered in determining whether health care use is a principal use.**

- (1) For purposes of this chapter, a use or intended use of a participant's facility, or portion thereof, shall be a principal use only if it is one that will utilize more than 10% of a facility.
- (2) The authority may consider the following factors, among others, in determining whether a health care use is a principal use of a facility:
- (a) The relative amounts of land or space in structures or improvements to be utilized for health care and nonhealth care uses;
  - (b) The relative fair market or rental value of facilities to be utilized for health care and nonhealth care uses; and
  - (c) The relative amounts of time a particular facility is utilized for health care and nonhealth care uses.
- (3) Portions of a mixed-use facility that are common areas (such as hallways, lobby and reception areas and administrative offices) may be allocated between health care and nonhealth care uses on a **pro rata** basis using the same method of allocation used to allocate between health care and nonhealth care uses.

**WSR 94-12-022**  
**PROPOSED RULES**  
**HEALTH CARE**  
**FACILITIES AUTHORITY**  
 [Filed May 24, 1994, 8:45 a.m.]

**Original Notice.**

**Title of Rule:** Determination process and criteria for providing financing assistance to nursing homes.

**Purpose:** To define "independent nursing home" in the definition of a "health care facility" in RCW 70.37.020(3).

**Statutory Authority for Adoption:** RCW 70.37.050.

**Statute Being Implemented:** RCW 70.37.020.

**Summary:** To define "independent nursing home" as used in the Washington Health Care Facilities Authority statute.

**Reasons Supporting Proposal:** This WAC sets out the factors for review to determine if a nursing home may be financed under the Washington Health Care Facilities Authority statute. Without the WAC, eligibility for financing may be unclear.

**Name of Agency Personnel Responsible for Drafting:** Pamela Campbell Mead, 1212 Jefferson Street S.E., Suite 201, (206) 753-6185; **Implementation and Enforcement:** John H. Van Gorkom, 1212 Jefferson Street S.E., Suite 201, (206) 753-6185.

**Name of Proponent:** Washington Health Care Facilities Authority, governmental.

**Rule is not necessitated by federal law, federal or state court decision.**

**Explanation of Rule, its Purpose, and Anticipated Effects:** To define "independent nursing home" as used in the Washington Health Care Facilities Authority statute. The proposed rule sets out the factors to be reviewed to determine if a nursing home may be financed under the Washington Health Care Facilities Authority statute. To minimize health care costs, the Washington Health Care Facilities Authority may issue tax-exempt bonds to provide financing for nonprofit health care facilities. State law specifies that the authority may lend to all nursing homes except those that are "independent." Independent is not defined in statute. This WAC sets out the factors to be reviewed to determine if a nursing home may receive financing assistance from the Washington Health Care Facilities Authority. The new WAC will clarify the determination process. Failure to clarify this issue could result in bonds improperly being issued and their tax-exempt status lost.

**Proposal does not change existing rules.**

**No small business economic impact statement is required for this proposal by chapter 19.85 RCW.**

**Hearing Location:** Washington Health Care Facilities Authority, 1212 Jefferson Street S.E., Suite 201, Olympia, WA 98504-0935, on July 5, 1994, at 9:00 a.m.

**Submit Written Comments to:** Pamela Mead, Washington Health Care Facilities Authority, 1212 Jefferson Street S.E., Suite 201, Olympia, WA 98504-0935, by July 5, 1994.

**Date of Intended Adoption:** July 15, 1994.

May 6, 1994  
 John H. Van Gorkom  
 Executive Director

**PROPOSED RULES OF WASHINGTON HEALTH  
 CARE FACILITIES AUTHORITY  
 REGARDING THE DETERMINATION PROCESS AND  
 CRITERIA FOR PROVIDING FINANCING  
 ASSISTANCE TO NURSING HOMES**

**NEW SECTION**

**WAC 247-06-010 Purpose.** The purpose of this chapter shall be to provide guidance regarding the circumstances under which a nursing home facility is a health care facility as defined for purposes of chapter 70.37 RCW, and the resulting eligibility for authority financing assistance. If the authority determines that a nursing home facility is an independent nursing home, then the nursing home is not a health care facility and is not eligible for authority financing assistance.

**NEW SECTION**

**WAC 247-06-020 Determination process.** (1) Upon the request of a participant (as defined in RCW 70.37.020(4)), the executive director, in consultation with the authority's assistant attorney general and authority's bond counsel, shall evaluate whether a nursing home qualifies for financing assistance under the Washington health care facilities authority statute, chapter 70.37 RCW (the act), and shall make a recommendation to the authority board based upon such evaluation. The participant's request shall include information with respect to the participant and the nursing home that is responsive to the criteria and factors described in WAC 247-06-030 below and such other information as the executive director may require.

(2) Upon receipt and consideration of the executive director's recommendation, the board shall determine whether a nursing home is eligible for authority financing assistance.

**NEW SECTION**

**WAC 247-06-030 Criteria for providing financing assistance to nursing homes.** The criteria which will serve as the basis for the review and evaluation for determining whether a nursing home is not independent and thus qualifies for authority financing assistance shall include, but need not be limited to, the following:

(1) Control by related participant. This criterion relates to the nature of the relationship between the related participant and the nursing home and the level of organizational control the related participant exercises or will exercise over the nursing home. The closer the relationship between the related participant and the nursing home and the greater the level of control the related participant exercises over the nursing home, the more likely it is that a nexus exists between the participant and the nursing home sufficient to support the conclusion that the nursing home is not independent. Factors to consider may include, but need not be limited to, the following:

- (a) Who the legal owner of the nursing home is;
- (b) How the members of the board of trustees/directors of the nursing home and/or the related participant are chosen;
- (c) How the management of the nursing home is chosen;

(d) How the nursing home budget is approved and whether the related participant has veto authority; and

(e) What entity holds the license to operate the nursing home.

(2) Physical proximity. This criterion relates to the physical relationship a nursing home facility has to other health care facilities. While physical attachment or connection of a nursing home to a hospital or other health care facility is not required under the act, such attachment or connection may be a strong indicator of the dependence that the nursing home facility may have on the facility to which it is connected. Factors to consider may include, but need not be limited to, the following:

(a) Whether the nursing home facility is physically attached or connected to a hospital or health care facility (other than another nursing home) and the nature of such attachment or connection; and

(b) Where the nursing home is located in relation to hospital and other health care facilities and whether it is on:

- (i) a single parcel of property;
- (ii) a municipally recognized multi parcel area; or
- (iii) a campus (i.e., hospital zoning or major institutional zoning).

(3) Integration with a nonnursing home participant. This criterion relates to the operational integration of a nursing home facility with a nonnursing home participant. The more highly integrated the operations of the nonnursing home participant and the nursing home are, the more likely it is that a nexus exists between such participant and the nursing home sufficient to support the conclusion that the nursing home is not independent. Factors to consider may include, but need not be limited to, the following:

(a) The extent to which the nonnursing home participant and the nursing home have common medical staff;

(b) Who employs the nursing home personnel;

(c) The extent to which the nonnursing home participant and the nursing home have a common or integrated admissions/transfer policy; and

(d) The extent to which the nonnursing home participant and the nursing home have common or integrated administrative staff and/or services.

(4) Coobligation or guaranty by a related nonnursing home participant on authority debt. The final criterion requires that a related nonnursing home participant be obligated on or give a guaranty on any bonds or other obligations to be issued by the authority, the proceeds of which will be used in the nursing home facility.

**WSR 94-12-024**  
**PREPROPOSAL COMMENTS**  
**OFFICE OF**  
**MARINE SAFETY**

[Filed May 24, 1994, 12:56 p.m.]

Subject of Possible Rule Making: Rules are being drafted to address vessel refueling (bunkering) operations in Washington waters. These rules will provide operational and training standards to be followed by both receiving and delivering vessel personnel.

Persons may Comment on this Subject in the Following Ways: Submit written request for information or submit

written comments to David Johnson, Education and Technical Outreach Manager, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, comments accepted until July 5, 1994.

Other Information or Comments by Agency at this Time, if any: The rule is being drafted in fulfillment of RCW 88.46.170 and under authority of RCW 43.211.030; goal is to increase the awareness and training of persons involved in refueling operations to prevent oil spills; and rules were developed by the advisory group with representatives from industry, environment and government agencies. The group met seven times since August 1993. In addition, two public workshops were held May 10, 1994, in Seattle and May 12, 1994, in Kelso. Written comments and requests for information will be accepted by Office of Marine Safety until July 5, 1994.

May 24, 1994  
 Barbara Herman  
 Administrator

**WSR 94-12-025**  
**PREPROPOSAL COMMENTS**  
**OFFICE OF**  
**MARINE SAFETY**

[Filed May 24, 1994, 12:57 p.m.]

Subject of Possible Rule Making: Office of Marine Safety intends to amend or replace the oil spill prevention plan rules, chapter 317-20 WAC. The rules require owners and operators of tank vessels to submit oil spill prevention plans. The amended rules will describe best achievable protection standards for the approval of prevention plans.

Persons may Comment on this Subject in the Following Ways: Attend public workshops or submit written comments to Office of Marine Safety, P.O. Box 42407, Olympia, WA 98104-2407.

Public Workshops: On June 28, 1994, Tye High School, 4424 South 188th Street, Seattle, at 7-9 p.m.; and July 7, 1994, Clark Community Center, 8600 N.E. 117th, Vancouver, at 7-9 p.m.

Public Hearing: October 1994 (call Office of Marine Safety for exact date).

Other Information or Comments by Agency at this Time, if any: These amendments are needed to meet the requirements of RCW 88.46.040; the amendments are designed to provide standards of operation, management, and crewing of tank vessels achievable by all tank vessels entering Washington waters; Office of Marine Safety appointed an advisory group in March 1994 to assist in developing these amendments. Public workshops are scheduled for June and July 1994; and requests for information or comments should be sent to Stan Norman at Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407.

May 24, 1994  
 Barbara Herman  
 Administrator

**WSR 94-12-026**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Filed May 24, 1994, 4:04 p.m.]

**Original Notice.**

Title of Rule: WAC 275-30-020 Conditions of parole.

Purpose: Requires juveniles on parole status to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses. Allows for the use of electronic monitoring for youths on parole status as a condition of parole.

Statutory Authority for Adoption: RCW 13.40.210.

Statute Being Implemented: RCW 13.40.210.

Summary: Reflective of the statutory change regarding juvenile offenders on parole status. Utilizing electronic monitoring provides enhanced supervision of juvenile offenders in the community and increases the public safety.

Reasons Supporting Proposal: Chapter 7, Laws of 1994 (ESSHB 2319) requires juveniles on parole status to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses. Allows for the use of electronic monitoring for youths on parole status as a condition of parole.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marty Butkovich, Juvenile Rehabilitation Administration, 753-7406.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on July 5, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by June 21, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, WA 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 28, 1994.

Date of Intended Adoption: July 7, 1994.

May 24, 1994  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

**AMENDATORY SECTION** (Amending Order 3091, filed 11/6/90, effective 12/7/90)

**WAC 275-30-020 Conditions of parole.** (1) Following a juvenile's release from a residential facility, the department may require the juvenile to comply with a parole program (~~(of parole in his or her)~~) in the juvenile's community for (~~(a period no longer than)~~) not more than eighteen

months(~~(, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion,))~~).

(2) The department shall determine a juvenile's period of parole (~~(shall be)~~) as twenty-four months for crimes committed on or after July 1, 1990 when the juvenile is sentenced for:

(a) Rape in the first or second degree;

(b) Rape of a child in the first or second degree;

(c) Child molestation in the first degree; or

(d) Indecent liberties with forcible compulsion.

(3) The department shall, for the period of a juvenile's parole, require the juvenile to refrain from possessing a firearm, or using a deadly weapon and refrain from committing new offenses. The department's parole program (~~(of parole)~~) may require the juvenile to:

(a) Undergo available medical or psychiatric treatment, including urinalysis;

(b) Report as directed to a parole officer, by in-person contact, telephone, and electronic monitoring;

(c) Pursue a course of study or vocational training; and

(d) Remain within prescribed geographical boundaries and notify the department of any address change(~~(; and~~

~~(e) Refrain from committing new offenses)~~).

~~((2))~~ (4) The juvenile shall sign an order of parole conditions on department forms. When the juvenile refuses to sign an order of parole conditions, a witness, attesting the order of parole conditions has been explained to the juvenile, and the juvenile's parole officer shall sign the order. The department shall provide a copy to the juvenile.

~~((3))~~ (5) The parole officer may modify an order of parole conditions (~~(may be modified by the parole officer so)~~) as long as the officer gives the juvenile (~~(is given)~~) an opportunity to comment on the proposed modification (~~(prior to its taking)~~) before the order takes effect.

**WSR 94-12-036**  
**PROPOSED RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed May 25, 1994, 3:40 p.m.]

**Original Notice.**

Title of Rule: Enforcement and regulatory actions for air emissions from energy facilities sited by the Energy Facility Site Evaluation Council (EFSEC).

Purpose: To update Energy Facility Site Evaluation Council's air rules to be consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act and ecology's rules.

Other Identifying Information: Revision to WAC 463-39-005, 463-54-020, 463-54-040, 463-54-050, 463-54-060, 463-54-070; and new sections WAC 463-39-070 and 463-39-230.

Statutory Authority for Adoption: RCW 80.50.040(1), chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.422, chapter 80.50 RCW.

Summary: These rules incorporate by reference an ecology rule which was inadvertently left out during the

latest rule making, adds new sections to include radioactive emissions and defines and clarifies regulatory actions to be consistent with ecology rules and the federal and state clean air acts.

Reasons Supporting Proposal: To update and add sections for clarity and consistency with the federal and state clean air acts.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen Fiksdal, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504-3172, 956-2152; and Enforcement: Jason Zeller, 925 Plum Street S.E., P.O. Box 43172, Olympia, WA 98504-3172, 956-2048.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Rule is necessary because of federal law, Title V of the 1990 Clean Air Amendments 40 CFR, Part 70.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes and additions will clarify Energy Facilities Site Evaluation Council's regulatory actions, particularly enforcement actions in regard to air emissions and the federally delegated air operating permits. The rules identify the sections of the state Clean Air Act which authorize Energy Facilities Site Evaluation Council's enforcement actions and the levels of fines which can be imposed on a certificate holder.

Proposal Changes the Following Existing Rules: These changes align Energy Facility Site Evaluation Council's enforcement actions with ecology's and document the sections of the state Clean Air Act which give Energy Facility Site Evaluation Council its authority. The change also identifies the prevention of significant deterioration (PSD) permit which Energy Facility Site Evaluation Council has been delegated by the federal government as part of its process and adds reference to radioactive emission rules which have recently been enacted by the Department of Health.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Energy Office, Room 308, 925 Plum Street S.E., Olympia, WA 98504, on July 11, 1994, at 2:00 p.m.

Submit Written Comments to: Jason Zeller, P.O. Box 43172, Olympia, WA 98403-3172 [98504-3172], by June 30, 1994.

Date of Intended Adoption: July 11, 1994.

May 25, 1994  
Jason Zeller  
Manager

**AMENDATORY SECTION** (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

**WAC 463-39-005 Adoption by reference.** (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference.

- WAC 173-400-030: Definitions.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.

- WAC 173-400-060: Emission standards for general process units.
- WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.
- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-090: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).
- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-401 WAC by reference.

- WAC 173-401-100: Program overview.
- WAC 173-401-200: Definitions.
- WAC 173-401-300: Applicability.
- WAC 173-401-500: Permit applications.
- WAC 173-401-520: Certification.
- WAC 173-401-600: Permit content.
- WAC 173-401-605: Emission standards and limitations.
- WAC 173-401-610: Permit Duration.
- WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
- WAC 173-401-620: Standard terms and conditions. Except (2)(i)
- WAC 173-401-625: Federally enforceable requirements.
- WAC 173-401-630: Compliance requirements.
- WAC 173-401-635: Temporary sources.
- WAC 173-401-640: Permit shield.
- WAC 173-401-645: Emergency provision.

WAC 173-401-650:	Operational flexibility.
WAC 173-401-700:	Action on application.
WAC 173-401-705:	Requirement for a permit.
WAC 173-401-710:	Permit renewal, revocation and expiration.
WAC 173-401-720:	Administrative permit amendments.
WAC 173-401-722:	Changes not requiring permit revisions.
WAC 173-401-725:	Permit modifications.
WAC 173-401-730:	Reopening for cause.
WAC 173-401-750:	General permits.
WAC 173-401-800:	Public involvement.
WAC 173-401-810:	EPA Review.
WAC 173-401-820:	Review by affected states.

NEW SECTION

**WAC 463-39-070 Radioactive emissions.** (1) Energy facilities subject to chapter 80.50 RCW which emit radionuclides to the air shall meet standards and conditions pursuant to RCW 70.94.331, as promulgated by chapters 173-480 and 246-247 WAC.

(2) The council will enter into a memorandum of agreement with the state department of health regarding the regulation of radionuclides.

(3) The monitoring and regulation of radionuclides emissions from major energy facilities shall be consistent with the memorandum of agreement referenced in subsection (2) of this section between the state department of health and the council.

NEW SECTION

**WAC 463-39-090 Permit application form.** Applications for air operating permits shall be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-39-115 Standards of performance for new stationary sources.** Subparts A, D, Da, GG, J, K, Kb, Y, KKK, LLL, QQQ of Title 40, Code of Federal Regulations, Part 60 (standards of performance for new stationary sources), are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council.

Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC ((463-39-110)) 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

NEW SECTION

**WAC 463-39-230 Regulatory actions.** The council may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 80.50.040 or 70.94.422.

(1) Enforcement actions—Notice of violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431 (1) through (7), the council shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or rule or regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the council may require that the alleged violator or violators appear before it for the purpose of providing the council information pertaining to the violation or the charges complained of. Every notice of violation shall offer the alleged violator an opportunity to meet with the council prior to the commencement of enforcement action.

(2) Civil penalty.

(a) All penalties assessed as the result of air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431(1) through (7), and 70.94.435. Any person who violates any of the provisions of chapter 70.94 RCW may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amount established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 70.94.422.

(d) All penalties recovered under this section by the council shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015.

(e) In addition to other penalties provided by this chapter, persons knowingly under-reporting emission or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) Assurance of discontinuance. The chair, or his/her authorized representative, may accept an assurance of

discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance orders. The council may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-54-020 Compliance to be determined.** Compliance determination procedures shall be implemented by the council as necessary to keep it and the public properly informed as to the status of compliance with the terms of certification agreements (~~and~~), PSD, NPDES (~~permits~~), or other permits issued by the council.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-54-040 Compliance reports and determinations.** Written reports by state agencies, or their authorized representatives reporting to the council under interagency agreements shall be submitted regularly and contain certifications as to the certificate holders satisfactory compliance or noncompliance with the appropriate terms of the site certification agreement. Certifications of satisfactory compliance in the absence of compelling evidence to the contrary shall be deemed by the council as bona fide compliance by the certificate holder.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-54-050 Noncompliance determinations and enforcement.** The council shall make the determination of noncompliance with the terms of a certification agreement (~~or~~), PSD, NPDES, or other permits where circumstances so warrant and on such finding of noncompliance will institute appropriate enforcement action.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-54-060 (~~DOE~~) Ecology monitoring and enforcement (~~role~~).** (1) The (~~DOE~~) department of ecology, or its authorized representative, is delegated the monitoring activities pertaining to air and water discharges except as provided in subsection (2) of this section, and when it reports to the council that appropriate enforcement activities are required relative thereto the council shall take or initiate action to enforce the terms of the appropriate certification agreement and the incorporated PSD, NPDES, or other permits. Immediate enforcement action as needed may be undertaken by (~~DOE~~) ecology, or its authorized representative, subject to subsequent confirmation or modification by the council.

(2) The department of health is responsible for monitoring activities pertaining to radionuclide emission to the air in accordance with an approved memorandum of agreement. When it reports to the council that appropriate enforcement activities are required relative thereto the council shall take or initiate action to enforce the terms of the appropriate certification agreement or attached permit. Immediate enforcement action as needed may be undertaken by health subject to subsequent confirmation or modification by the council.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-54-070 Enforcement actions.** Consistent with RCW 70.94.422, all enforcement actions and penalties for all air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431 (1) through (7), and 70.94.435.

(1) General. The council establishes four types of enforcement action in order to provide the council with a range of responses to apparent violations of a site certification agreement or the laws and rules enforced by the council. The range allows the chair or the council to choose an approach which it determines, in its discretion, to be best suited in light of the apparent seriousness of an apparent violation, the potential danger to humans or the environment, the willingness and ability of the violator to make required corrections, and the speed with which corrective action should be taken.

(2) Emergency action by chair.

(a) Emergency action is appropriate when the chair or chair's designee believes that the nature of an apparent violation requires action too swiftly to allow for deliberation and decision by the full council or that action is required pending the completion of other enforcement action.

(b) The chair of the council or the chair's designee is authorized to take immediate action to halt or eliminate any imminent or actual substantial danger to health or welfare of persons or the environment resulting from violation of law or of terms of the site certification agreement, including the release of pollutants from facilities sited under chapter 80.50 RCW. The chair may:

(i) Order the immediate termination of an endangerment or an endangering release and the immediate suspension of (~~an~~) a PSD, NPDES, or other permits issued by the



council, or order the immediate commencement of corrective action;

(ii) Notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(iii) Request the prosecuting attorney of an affected county or the attorney general to take immediate enforcement action for violations of certification agreements or permits pursuant to RCW 80.50.150(6).

(c) The council shall consider any emergency action at a regular or special meeting as soon as practical after the action is taken. It may adopt, rescind, or modify emergency action and may take other enforcement action as specified in this rule. The council retains jurisdiction to maintain or modify emergency action until the circumstances requiring the action are cured to the council's satisfaction or until other enforcement actions supersede the emergency action, whichever first occurs.

(d) If feasible, the council shall allow the subject of emergency action to present its views prior to adopting, affirming, or modifying the action.

(3) Notice of incident and request for assurance of compliance.

(a) A notice of incident is appropriate when the council believes that a violation has occurred; that it is being corrected quickly and effectively by the violator; that the violation caused no substantial danger to humans or the environment; and that a penalty assessment does not appear to be appropriate in light of the seriousness of the violation or as an incentive to secure future compliance.

(b) Whenever the council has probable cause to believe that any term or condition of a certificate agreement or permit has been violated, the council may serve a notice of incident and request for assurance of compliance upon the certificate holder. Within thirty days after service of the notice, the certificate holder shall provide the council with a report of the incident and assurance of compliance, including appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as it believes to be necessary.

(4) Notice of violation.

(a) A notice of violation is appropriate when the council believes: That a violation has occurred; that a violation is not being timely or effectively corrected; that a violation may cause a substantial risk of harm to humans or the environment; or that a penalty may be appropriate as an incentive to future compliance.

(b) Whenever the council has probable cause to believe that a violation of any term or condition of a certificate agreement or permit has occurred, the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty pursuant to RCW 80.50.150(5) or RCW 74.90.431 if the violation is of the Washington Clean Air Act. The notice shall specify the provisions of law or rule or the certificate agreement or permit which are alleged to have been violated and shall include a requirement that corrective action be taken.

(c) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council and it may seek remission or mitigation of any penalty.

(i) A request for mitigation or remission of a penalty must be filed within fifteen days after service of the notice of violation. A decision upon a request for remission or mitigation of a penalty is an administrative decision which the council may make in its discretion.

(ii) An appeal of a notice of violation must be filed within thirty days after service of the notice of violation. The appeal is an application for an adjudicative proceeding under RCW 34.05.410. It must be in writing, timely filed in the offices of the council, and state the basis of the contention and exactly what change or remedy is sought from the council. Unless the application is denied or settled, the council shall conduct an adjudicative proceeding upon the challenge pursuant to chapter 34.05 RCW.

(iii) Any penalty imposed in a notice of violation shall be due and payable thirty days after the following: Service of the notice of violation, if no review is sought; service of the council's decision upon remission or mitigation, if no appeal is made; or service of the council's final order on review of an appeal of a notice of violation. If the penalty is not paid when due, the council shall request the attorney general to commence an action in the name of the state to recover the penalty pursuant to RCW 80.50.150.

(5) Air pollution episodes. The council may enter such orders as authorized by chapter 80.50 RCW regarding air pollution episodes, as set forth in WAC ((463-39-130)) 463-39-230.

(6) Judicial enforcement.

(a) Judicial enforcement is available through chapter 80.50 RCW. It is appropriate when the council believes that judicial action may be of substantial assistance in securing present or future compliance or resolution of the underlying problem.

(i) The council may request the attorney general or the prosecuting attorney of any county affected by a violation to commence civil proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(ii) The council may request the prosecuting attorney of any county affected by a violation to commence criminal proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(b) The council may also secure judicial enforcement of its rules or orders pursuant to RCW 34.05.578.

#### WSR 94-12-041

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed May 26, 1994, 10:25 a.m.]

Original Notice.

Title of Rule: Allowed credits for appraisal experience.

Purpose: To clarify existing language to avoid confusion by applicants and/or licensed and certified appraisers.

Statutory Authority for Adoption: RCW 18.140.030(1).

Statute Being Implemented: RCW 18.140.090.

Summary: This rule establishes the number of experience hours allowed for various appraisal projects.

Reasons Supporting Proposal: The limitations on the amount of credit for various types of appraisals is necessary to ensure that applicants and/or licensed and certified appraisers have sufficient experience.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, P.O. Box 9012, (206) 753-1062.

Name of Proponent: Department of Licensing, Real Estate Appraiser Unit, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the number of experience hours allowed for fifteen common appraisals, nine common eminent domain appraisals, and nine common eminent domain appraisal reviews. This rule will help ensure that applicants and/or licensed and certified appraisers have sufficient experience. By clarifying existing language, this rule will reduce uncertainty and confusion as to experience requirements.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA, on July 8, 1994, at 9:00 a.m.

Submit Written Comments to: Cleotis Borner, 2424 Bristol Court, P.O. Box 9012, Olympia, WA 98507-9012, by July 7, 1994, 5:00 p.m.

Date of Intended Adoption: July 8, 1994.

May 25, 1994  
Cleotis Borner  
Real Estate Appraiser  
Program Manager

**NEW SECTION**

**WAC 308-125-075 Allowed credits for appraisal experience.** (1) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for appraisal experience that exceeds the following hourly allotments for each appraisal:

- |  |           |
|--|-----------|
| (a) Single Family Residential (non complex)      | 12 hours  |
| (b) Single Family Residential (complex & 2-4)    | 20 hours  |
| (c) Single Family Lot (URAR Form)                | 8 hours   |
| (d) Single Family Lot (Narrative)                | 10 hours  |
| (e) Large Land Tract (not subdivided)            | 25 hours  |
| (f) Subdivisions                                 | 60 hours  |
| (g) Improved Commercial/Industrial land          | 25 hours  |
| (h) Commercial (form)                            | 40 hours  |
| (i) Commercial (narrative)                       | 80 hours  |
| (j) Regional Mall/high rise office bldg/Hotel    | 120 hours |
| (k) Appraisal Review (single family)             | 4 hours   |
| (l) Appraisal Review (commercial)                | 16 hours  |
| (m) Feasibility Study                            | 80 hours  |
| (n) Market Analysis/Consulting (non residential) | 40 hours  |
| (o) Agricultural                                 | 60 hours  |

(2) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisals that exceed the following hourly allotments for each appraisal:

- |                                      |           |
|--------------------------------------|-----------|
| (a) Vacant (single family lot)       | 12 hours  |
| (b) Vacant (large land tract)        | 38 hours  |
| (c) Single family residential        | 18 hours  |
| (d) Multi-family residential         | 30 hours  |
| (e) Agricultural (improved)          | 90 hours  |
| (f) Industrial (improved)            | 38 hours  |
| (g) Commercial (improved)            | 38 hours  |
| (h) Very complex damages or benefits | 120 hours |
| (i) Special Purpose Improved         | 72 hours  |

(3) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisal Reviews that exceed the following hourly allotments for each appraisal:

- |                                      |          |
|--------------------------------------|----------|
| (a) Vacant (single family lot)       | 8 hours  |
| (b) Vacant (large land tract)        | 12 hours |
| (c) Single family residential        | 16 hours |
| (d) Multi-family residential         | 24 hours |
| (e) Agricultural (improved)          | 32 hours |
| (f) Industrial (improved)            | 30 hours |
| (g) Commercial (improved)            | 30 hours |
| (h) Very complex damages or benefits | 40 hours |
| (i) Special Purpose Improved         | 24 hours |

**WSR 94-12-048  
PREPROPOSAL COMMENTS  
DEPARTMENT OF HEALTH  
(TB Control)**

[Filed May 27, 1994, 9:40 a.m.]

Subject of Possible Rule Making: A new section was added to chapter 70.28 RCW (ESB 6158) requiring the State Board of Health to adopt rules in the following areas: Reporting requirements for providers and medical test sites; due process requirements for health officers exercising their authority to involuntarily detain, test, treat, or isolate persons with suspected or confirmed TB; and training requirements for TB outreach workers doing skin testing or administration of medications in a program established by state or local health officer to controlling TB.

Persons may Comment on this Subject in the Following Ways: A statewide tuberculosis planning group began meeting in 1992 and continues to meet wherein group members, representing various constituencies and interested parties throughout Washington state, bring concerns and recommendations to the group and report back to their respective stakeholders. As of June 24, 1994, the tuberculosis planning group will meet at the Department of Labor and Industries Rehabilitation Resource Center at 12806 Gateway Drive, Seattle, WA 98169. These meetings, open to interested parties and the general public, are held on the fourth Friday of every month from 9:00 a.m. until 12:00. These meetings will continue and will remain open for comments until such time as they are taken to the Board of Health. For additional information, contact Gary Livingston at (206) 464-5406 or Kay Anderson at (206) 464-5327.

Other Information or Comments by Agency at this Time, if any: ESB 6158 has directed that the State Board of Health adopt rules which will further enhance state and local government's appropriate authority to protect the public health by the prevention and control of tuberculosis. The authority to amend chapters 246-100 and 246-170 WAC and create new rules is found in chapter 70.28 RCW. For over two years there has been public input into this process through the tuberculosis planning committee referenced above. ESB 6158 directed the State Board of Health to adopt the above-referenced TB rules by December 31, 1994.

May 26, 1994  
Sylvia Beck  
Executive Director  
State Board of Health

**WSR 94-12-056**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 27, 1994, 4:30 p.m.]

Original Notice.

Title of Rule: Repealing WAC 356-30-331 Reduction in force—Transition pool.

Purpose: Allows the director of the Department of Personnel to implement a reduction in force transition pool.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: The repeal of this rule would abolish the RIF transition pool which was created by a resolution of the Personnel Resources Board.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The repeal of this rule would abolish the RIF transition pool which was created by a resolution of the Personnel Resources Board. The funding for this program is due to be eliminated June 30, 1994.

Proposal Changes the Following Existing Rules: Repeals the reduction in force transition pool.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on July 14, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, July 7, 1994.

Date of Intended Adoption: July 14, 1994.

May 27, 1994  
 Dennis Karras  
 Secretary

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 356-30-331 Reduction in force—Transition pool.

**WSR 94-12-057**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 27, 1994, 4:33 p.m.]

Original Notice.

Title of Rule: Amending WAC 251-04-105 Method and completion of service.

Purpose: This rule defines methods of how service of papers shall be made and when service is complete.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: Proposed modification will provide consistency with Title 356 WAC regarding the method and completion of service of papers by electronic telefacsimile transmission.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Modification to the rule will create consistency between Titles 251 and 356 WAC regarding the method and completion of service of papers by electronic telefacsimile transmission.

Proposal Changes the Following Existing Rules: Proposal creates consistency between general government rules and higher education rules by adding the ability to accept electronic telefacsimile transmission for the method and completion of service.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on July 14, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by July 7, 1994.

Date of Intended Adoption: July 14, 1994.

May 27, 1994  
 Dennis Karras  
 Secretary

**AMENDATORY SECTION** (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

**WAC 251-04-105 Method and completion of service.**

Service of papers shall be made either personally, or by registered or certified mail, or by the electronic telefacsimile transmission and same-day mailing of copies, unless otherwise provided by law. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United States mail, properly stamped and addressed to the last known address on file with the institution. Service by electronic telefacsimile transmission shall be regarded as complete upon confirmation of transmission by the telefacsimile device.

**WSR 94-12-058**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 27, 1994, 4:36 p.m.]

Original Notice.

Title of Rule: Amending WAC 251-06-020 Classification plan—Adoption and 251-08-112 Salary—Reallocation.

Purpose: These rules allow for the Personnel Resources Board to adopt revisions to the state classification plan and provide for salary adjustments resulting from the revisions.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: Proposed modifications allow institutions of higher education or related boards to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules allow institutions of higher education or related boards to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

Proposal Changes the Following Existing Rules: Proposal allows institutions of higher education or related boards to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on July 14, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by July 7, 1994.

Date of Intended Adoption: July 14, 1994.

May 27, 1994  
Dennis Karras  
Secretary

AMENDATORY SECTION (Amending WSR 93-19-147, filed 9/22/93)

**WAC 251-06-020 Classification plan—Adoption. (1)**

The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

(2) Each institution of higher education or related board may propose an alternate implementation strategy for compensation adjustments which are a component of a request for board adoption of classification plan revisions. These strategies will differ from those provided in WAC 251-08-112 and elsewhere in these rules.

AMENDATORY SECTION (Amending WSR 91-13-011, filed 6/7/91, effective 6/7/91)

**WAC 251-08-112 Salary—Reallocation. (1)** An employee occupying a position that is reallocated to an existing class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to an existing class with a lower salary maximum shall be placed in the salary step in the new range which is closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board has created, abolished, or modified a class, the incumbent will remain in the position and therefore will not be afforded layoff rights. Employees will be affected as follows unless the board approves an alternate implementation strategy for compensation adjustments due to classification plan revisions as provided in WAC 251-06-020:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will retain his/her salary as of the date preceding the effective date of the board's action and will be allowed to achieve the salary maximum of the former class. The employee will lose the right to such salary maintenance if he/she subsequently voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will have his/her salary adjusted to the same step in the new range as was held in the previous range. The periodic increment date of the affected employee will remain unchanged;

(c) Reallocations due to the board's creation, abolishment, or modification of a class become effective on the effective date of the board's action.

**WSR 94-12-059**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 27, 1994, 4:38 p.m.]

Original Notice.

Title of Rule: Amending WAC 251-04-040 Exemptions.

Purpose: This rule details the classifications, positions, and employees of higher education institutions/related boards which are exempted from coverage of the general provisions of Title 251 WAC.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: Proposed modification will make a technical correction to exemptions from coverage of the general provisions of Title 251 WAC.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed modification will make a technical correction for exemptions from coverage of the general provisions of Title 251 WAC.

Proposal Changes the Following Existing Rules: This proposal will eliminate the section of the rule which states "all employees of a bargaining unit which is recognized as exempt as provided in RCW 41.56.201."

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on July 14, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by July 7, 1994.

Date of Intended Adoption: July 14, 1994.

May 27, 1994

Dennis Karras

Secretary

**AMENDATORY SECTION** (Amending WSR 94-02-051 [94-02-031], filed 12/29/93, effective 2/1/94)

**WAC 251-04-040 Exemptions.** The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a tempo-

rary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

(6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(8) The personnel director of the higher education personnel board and his confidential secretary.

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from

May 27, 1994  
 Dennis Karras  
 Secretary

the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

(12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

~~((13) All employees of a bargaining unit which is recognized as exempt as provided in RCW 41.56.201.))~~

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 94-12-060  
 PROPOSED RULES  
 PERSONNEL RESOURCES BOARD**

[Filed May 27, 1994, 4:41 p.m.]

Original Notice.

Title of Rule: Amending WAC 356-10-020 Classification plan—Revision, 356-10-040 Employee appointment status—Downward reallocation, 356-10-045 Employee appointment status—Lateral reallocation, and 356-10-050 Employee appointment status—Upward reallocation.

Purpose: These rules allow for the Personnel Resources Board to adopt revisions to the state classification plan and provide for salary adjustments resulting from the revisions.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
 Statute Being Implemented: RCW 41.06.150.

Summary: Proposed modifications allow agencies to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules allow agencies to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

Proposal Changes the Following Existing Rules: Rule proposals will add language which allows agencies to propose alternate implementation strategies for compensation adjustments due to classification plan revisions.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 2nd Floor, Board Room, 521 Capitol Way South, Olympia, WA, on July 14, 1994, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by July 7, 1994.

Date of Intended Adoption: July 14, 1994.

AMENDATORY SECTION (Amending WSR 93-19-147, filed 9/22/93)

**WAC 356-10-020 Classification plan—Revision.** The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) Beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(3) Each agency may propose an alternate implementation strategy for compensation adjustments which are a component of a request for Board adoption of classification plan revisions. These strategies will differ from those provided in WAC 356-10-040, 356-10-045, 356-10-050, and elsewhere in these rules.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 85-11-074, filed 5/22/85)

**WAC 356-10-040 Employee appointment status—Downward reallocation.** Employees in positions that are reallocated downward are affected as follows:

(1) The director of personnel shall notify the incumbent and the employing agency in writing at least thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in the reallocated position provided the employee meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If the employee does not meet the qualifications for the new classification as provided in subsection (2) of this section and the employee is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) An employee who remains in a position which is reallocated downward may have his or her name placed upon the agency reduction in force register for the classification to which the position was previously allocated.

(5) Employees who continue in positions which are reallocated downward shall be paid an amount equal to their previous salary if such amount is within the salary range for

the lower class. Employees whose current salary falls between two steps or exceeds the top step of the range for the lower class shall be Y-rated unless the board approves an alternate implementation strategy for compensation adjustments due to classification plan revisions as provided in WAC 356-10-020.

(6) Employees shall retain their existing periodic increment date provided the salary is less than the maximum of the lower range.

(7) Employees who retain their salary as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if an employee's salary falls between the steps of the higher range, the salary will advance to the closest step for the class in the higher range upon promotion.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 84-17-042, filed 8/10/84)

**WAC 356-10-045 Employee appointment status—Lateral reallocation.** Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section

shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged unless the board approves an alternate implementation strategy for compensation adjustments due to classification plan revisions as provided in WAC 356-10-020.

**AMENDATORY SECTION** (Amending WSR 91-03-070, filed 1/16/91, effective 3/1/91)

**WAC 356-10-050 Employee appointment status—Upward reallocation.** Employees in positions that have been reallocated upward are affected as follows:

(1) Employee must compete at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

(2) Employees in positions that have been reallocated upwards based on duties of a higher level classification performed for over one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee; and

(b) The department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range unless the board approves an alternate implementation strategy for compensation adjustments due to classification plan revisions as provided in WAC 356-10-020.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

**WSR 94-12-061  
WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
[Filed May 27, 1994, 4:47 p.m.]**

The Department of Fish and Wildlife withdraws proposed changes to WAC 220-52-051 as filed in WSR 94-03-106 on January 19, 1994.

Evan S. Jacoby  
Rules Coordinator

**WSR 94-12-064  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION  
[Filed May 31, 1994, 8:49 a.m.]**

Original Notice.

Title of Rule: Solicitation.

Purpose: Control commercial solicitation in state park areas.

Statutory Authority for Adoption: RCW 43.51.040(2), 43.51.040(5), 43.51.180(7).

Statute Being Implemented: RCW 43.51.060(2).

Summary: The amendment of this WAC will specifically allow the commission to authorize friends groups to sell approved merchandise in state parks.

Name of Agency Personnel Responsible for Drafting: Wayne McLaughlin, 7150 Cleanwater Lane, Olympia, 98504-2650, 753-2029; Implementation: Wayne McLaughlin and Joan Hauser-Crowe, 7150 Cleanwater Lane, Olympia, 753-2029; and Enforcement: Park rangers in state parks at various locations.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment of this WAC will enable the commission to implement RCW 43.51.060(2) to establish sales of educational and interpretive literature by friends groups at selected state park areas.

Proposal Changes the Following Existing Rules: The current rule allows sales only by concession under chapter 352-24 WAC. The change would also allow sales of merchandise by friends groups under RCW 43.51.060(2). As it currently reads, the WAC could prevent such sales by friends groups.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Lakeway Inn, 714 Lakeway Drive, Bellingham, WA, 98226, on July 22, 1994, at 9:00 a.m.

Submit Written Comments to: Wayne McLaughlin, P.O. Box 42650, Olympia, WA 98504-2650, by July 8, 1994.

Date of Intended Adoption: July 22, 1994.

May 31, 1994  
Sharon Howdeshell  
Office Manager

**AMENDATORY SECTION** (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

**WAC 352-32-195 Solicitation.** Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165, or a cooperative agreement pursuant to RCW 43.51.060(2), no person shall engage in commercial solicitation, or sell or peddle any goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

**WSR 94-12-065  
PROPOSED RULES  
PARKS AND RECREATION  
COMMISSION  
[Filed May 31, 1994, 8:52 a.m.]**

Original Notice.

Title of Rule: Recreational vessel equipment and operation.

Purpose: Sets the requirements for the operation and equipment of recreational vessels.



Statutory Authority for Adoption: RCW 43.51.400(6), 88.12.065, 88.12.125(2), 88.12.245(2).

Statute Being Implemented: RCW 43.51.400, chapter 88.12 RCW.

Summary: Replaces CFR numbers with language on equipment and "rules of road" for vessels; changes language for lifejackets to meet new federal rules; establishes rules for water ski observer and first-aid qualifications for commercial whitewater river guides.

Name of Agency Personnel Responsible for Drafting and Implementation: Mark Kenny, 7150 Cleanwater Lane, Olympia, 98504-2650, 586-0351; and Enforcement: Local and state governments.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

Rule is necessary because of federal law, Chapter 33, CFR, Part 175.15.

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC was adopted in 1984 for the state to meet federal boating safety program requirements and qualify for funding. Due to time constraints, the CFR numbers were referenced in sections. The purpose is to establish rules for recreational vessels on equipment and "rules of the road" equal to federal requirements; lifejacket requirements change to meet more stringent federal rules due by May of 1995. The new rule for water ski observers will provide a guide for local government. The new rule for first-aid qualifications will provide a uniform level of first-aid training for commercial whitewater river guides. This may cause local government to adopt more stringent lifejacket ordinance.

Proposal Changes the Following Existing Rules: Requires a wearable lifejacket for each person on vessels less than 16 feet.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Lakeway Inn, 714 Lakeway Drive, Bellingham, WA 98226, on July 22, 1994, at 9:00 a.m.

Submit Written Comments to: Mark Kenny, P.O. Box 42650, Olympia, WA 98504-2650, by July 8, 1994.

Date of Intended Adoption: July 22, 1994.

May 31, 1994  
Sharon Howdeshell  
Office Manager

**Chapter 352-60 WAC**  
**((BOATING SAFETY))**  
**RECREATIONAL VESSEL**  
**EQUIPMENT AND OPERATION**

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

**WAC 352-60-010 Purpose.** This chapter is promulgated in order to establish standards for boating safety ((standards)) equipment and related activities in recreational boating in accordance with RCW 43.51.400.

Application. These requirements apply to all recreational vessels used on waters of the state of Washington.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

**WAC 352-60-020 Definitions.** When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

~~((1)) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.~~

~~(2) "Coastal waters" means the high seas within the territorial limits of Washington state and the bays and sounds which empty into these waters. "Coastal waters" does not mean rivers, inside of a line drawn tangent to their headlands, unless the distance across a river is over two miles, in which case "coastal waters" means all portions of a river from the mouth to the point at which the river first narrows to two miles.~~

~~(3)) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.~~

"Coastal waters" means those waters (i.e., bays, sounds, harbors, rivers, inlets, etc.) directly connected to the territorial seas of the state of Washington where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"International waters" means the high seas within the territorial limits of Washington state seaward of the demarcation lines dividing the high seas from the harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, and are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Inland waters" means the waters within the territorial limits of Washington state shoreward of the demarcation lines dividing the high seas from harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

~~((4)) "Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.~~

~~((5)) "Motorboat" means any vessel identified in Title 46, Code of Federal Regulations, Table 24.05-1(a), Column 6, which is sixty five feet or less in length and equipped with propulsion machinery, including vessels propelled with steam machinery, and including vessels which are temporarily or permanently equipped with a detachable motor.~~

~~(6) "Motor vessel" means any vessel which is more than sixty five feet in length and propelled by machinery other than steam.~~

~~(7) "Passenger" means every person on board a vessel other than the following:~~

~~(a) The owner of a vessel or the representative of the owner;~~

~~(b) The operator of a vessel;~~

~~(c) The bona fide members of the crew of a vessel who are engaged in the business of a vessel, who have not contributed for their carriage, and who are paid for their services; and~~

~~(d) Guests who are on board a vessel which is being used exclusively for pleasure purposes and who have not contributed for their carriage.~~

~~(8)) "Observer" means an individual riding in a vessel who is responsible for observing a water skier at all times.~~

~~"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.~~

~~"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.~~

~~"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.~~

~~"Personal flotation device" means a wearable Type I off-shore life jacket, Type II wearable near-shore buoyant vest, Type III wearable flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160.~~

~~"PFD" means a personal flotation device.~~

~~"Power-driven vessel" means any vessel propelled by machinery.~~

~~"Sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.~~

~~"Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.~~

~~((9)) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.~~

~~(10)) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.~~

~~"Use" means to operate, navigate, moor or employ.~~

~~((11)) "Vessel" means every description of watercraft used or capable of being used as a means of transportation~~

on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

((12)) "Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

"Vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel.

"Vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel. Vessels restricted in their ability to maneuver include, but are not limited to:

● A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable, or pipeline;

● A vessel engaged in dredging, surveying, or underwater operations;

● A vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;

● A vessel engaged in the launching or recovery of aircraft;

● A vessel engaged in mineclearance operations; and

● A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

"Visual distress signal" means any signalling device approved by the United States Coast Guard for use on recreational vessels.

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

"Waters of ((Washington)) the state" means any waters within the territorial limits of Washington state.

((13)) "Waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A," means the waters within the territorial limits of Washington state which are identified in Title 33, Code of Federal Regulations, 80.1365, 80.1370, 80.1375, 80.1380, 80.1385, 80.1390, and 80.1395.)"

"Whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications found in Title 33, Code of Federal Regulations, Part 81, Appendix A.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-030 Personal flotation devices required. ((When a person uses a recreational boat on the waters of Washington state that is propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except racing shells, rowing sculls, and racing kayaks, such persons shall comply with Title 33, Code of Federal Regulations 175.3, 175.13, 175.15, 175.17, 175.19, 175.21, and 175.23.)) No person shall operate or permit the operation of a vessel on the waters of the state unless the vessel has on

PROPOSED

board United States Coast Guard approved personal flotation devices as follows:

(1) Vessels less than sixteen feet (4.9 meters) in length, and canoes and kayaks of any length, must have one Type I, II, or III PFD of the proper size for each person on board.

(2) Vessels sixteen feet (4.9 meters) or more in length, except a canoe or kayak, must have one Type I, II, or III wearable PFD of the proper size for each person on board and, in addition, one Type IV throwable PFD.

(3) Alternate PFD requirement. A United States Coast Guard approved Type V PFD may be carried in lieu of any required PFD under this section if it is approved for the activity in which the vessel is engaged in and used in compliance with requirements on the approval label.

(4) Stowage and condition. All personal flotation devices required by this section shall be readily accessible to all persons on board and be in good and serviceable condition. All devices shall be approved by the United States Coast Guard and marked in compliance with Coast Guard standards.

(5) Exemptions. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of this section provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-040 Visual distress signals. ((When a person uses a boat on the coastal waters of Washington state such person shall comply with Title 33, Code of Federal Regulations, 175.3, 175.105(a), 175.110, 175.113, 175.115, 175.120, 175.125, 175.128, 175.130, and 175.140.)) (1) Application. The requirements for this section apply to coastal waters.

(2) No person shall operate or permit the operation of a vessel unless visual distress signals are carried on board under the following conditions:

(a) For vessels sixteen feet (4.9 meters) or more in length, devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use must be carried on board.

(b) For vessels less than sixteen feet (4.9 meters) in length, visual distress signals for night use must be carried on board when operating between sunset and sunrise.

(3) Visual distress signals accepted. Any of the following signals as specified in Title 46, Code of Federal Regulations, Part 160, when carried in the number required, can be used to the meet the requirements of this section:

(a) An electric distress light meeting the standards of Chapter 46, Code of Federal Regulations, Part 161.013. One is required to meet the night only requirement.

(b) An orange flag meeting the standards of Chapter 46, Code of Federal Regulations, Part 160.072. One is required to meet the day only requirement.

(c) Pyrotechnics meeting the standards noted in the table below:

<u>Distress Signal Description</u>	<u>USCG Approval Number</u>	<u>Use</u>	<u>Number Required</u>
<u>Hand-Held Red Flare Signals</u>	<u>160.021</u>	<u>Day and Night</u>	<u>3</u>

<u>Floating Orange Smoke Signals</u>	<u>160.022</u>	<u>Day Only</u>	<u>3</u>
<u>Parachute Red Flare Signals</u>	<u>160.024</u>	<u>Day and Night</u>	<u>3</u>
<u>Hand-Held Rocket Propelled Parachute Red Flare Signals</u>	<u>160.036</u>	<u>Day and Night</u>	<u>3</u>
<u>Hand-Held Orange Smoke Signals</u>	<u>160.037</u>	<u>Day Only</u>	<u>3</u>
<u>Floating Orange Smoke Signals</u>	<u>160.057</u>	<u>Day Only</u>	<u>3</u>
<u>Red Aerial Pyrotechnic Flares</u>	<u>160.066</u>	<u>Day and Night</u>	<u>3</u>

(4) Marking and stowage. Visual distress signals required by this section must be legibly marked with the United States Coast Guard approval number and must be readily accessible.

(5) Condition and expiration date. Visual distress signals required by this section must be in serviceable condition, and if marked with an expiration date, shall not be expired.

(6) Launchers. Any vessel that carries a visual distress signal required by this section where a launcher is necessary to activate the signal, must also have on board a launcher approved by the United States Coast Guard.

(7) Prohibited use. No person in a vessel shall display a visual distress signal on the waters of Washington state under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

(8) Exceptions. The following vessels, when operating between sunset and sunrise, must carry visual distress signals that meet the requirements of this section and are suitable for night use:

(a) A vessel competing in any organized marine parade, regatta, race or similar authorized event;

(b) A vessel being manually propelled; or

(c) A sailing vessel of completely open construction, less than twenty-six feet (7.9 meters) in length, and not equipped with propulsion machinery.

(9) Any combination of signal devices selected from the types noted in subsection (3)(a), (b) and (c) of this section, when carried in the number required, may be used to meet both day and night requirements. Examples - the combination of two hand-held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand-held orange smoke (160.037) with one electric distress light (161.013) meet both day and night requirements.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-050 Ventilation. ((When a person uses a boat on the waters of Washington state that has a gasoline engine for electrical generation, mechanical power, or propulsion such person shall comply with Title 33, Code of Federal Regulations, 175.3 and 175.201. When used on the waters of Washington state a motorboat or a motor vessel shall comply with Title 46, Code of Federal Regulations, 25.40-1.)) (1) No person shall operate or permit to be operated any vessel having on board a gasoline engine used for any purpose, unless it shall be provided with proper ventilation.

(2) Compartments with gasoline engines. Each compartment in a vessel that has a permanently installed gasoline

engine with a cranking motor must be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

(3) Natural ventilation system. A natural ventilation system must be approved for use by the United States Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct must originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water.

(4) Exhaust blowers. Each vessel that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information: "WARNING - GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS."

(5) In lieu of the ventilation and warning label required in this section, a vessel may be provided with any type of ventilating system as required by the Federal Boat Safety Act of 1971, as amended, and applicable federal regulations.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-060 Navigation lights and shapes ((and sound and light signals)). ((1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall be equipped with the navigation lights and shapes and sound and light signals as required by such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Parts 81-72 and 82-72.

(2) When used on the inland waters of Washington state, a vessel shall be equipped either with the navigation lights and shapes and sound and light signals as required by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72 or as required by the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34, and the Inland Navigational rules, Title 33, Code of Federal Regulations, Parts 84, 85, 86, 87, 88, and 89.) The requirements of this section are equal to the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82.

Application.

(1) The requirements in this section shall be complied with in all weathers. The requirements concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for lights specified by the United States Coast Guard, or do not impair their visibility

or distinctive character, or interfere with the keeping of a proper look-out. Lights and shapes shall meet the requirements for visibility, color, shape, and location as required by Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A, Rules 21, 22, and Annex I, as amended.

(2) The lights herein prescribed shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(3) The requirements concerning shapes shall be complied with by day.

(4)(a) Power-driven vessels underway - International waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(A) A power-driven vessel of less than seven meters (23.0 feet) in length whose maximum speed does not exceed seven knots may in lieu of the lights prescribed in (a)(i) of this subsection exhibit an all-round white light and shall, if practicable, also exhibit sidelights;

(B) The masthead light or all-round white light on a power-driven vessel of less than twelve meters (39.4 feet) in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

(b) Power-driven vessels underway - Inland waters.

(i) A power-driven vessel underway shall exhibit:

(A) A masthead light forward; except that a vessel of less than twenty meters (65.6 feet) in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;

(B) A second masthead light abaft of and higher than the forward one; except that a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such light but may do so;

(C) Sidelights; and

(D) A sternlight.

(ii) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in (a)(i) of this subsection, exhibit an all-round flashing yellow light where it can best be seen.

(iii) A power-driven vessel of less than twelve meters (39.4 feet) in length may, in lieu of the lights prescribed in (a)(i) of this subsection, exhibit an all-round white light and sidelights.

(5) Towing and pushing.(a) International waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern of the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(a) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(A) Instead of the light prescribed in subsection (4)(a)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights;

(C) A sternlight.

(iv) A power-driven vessel to which (a)(i) or (iii) of this subsection apply shall also comply with subsection (4)(a)(i)(B) of this section.

(v) A vessel or object being towed, other than those mentioned in (a)(vii) of this subsection, shall exhibit:

(A) Sidelights;

(B) A sternlight;

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel.

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights;

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (a)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed 100 meters (328.1 feet);

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and if the length of the tow exceeds two hundred meters (656.2 feet) an addi-

tional diamond shape where it can best be seen and located as far forward as is practicable.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in (a)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights or shapes prescribed by (a)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by WAC 352-60-066(5), in particular by illuminating the towline.

(b) Inland waters.

(i) A power-driven vessel when towing astern shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line. When the length of the tow, measuring from stern to the towing vessel to the after end of the tow exceeds two hundred meters (656.2 feet), three such lights in a vertical line;

(B) Sidelights;

(C) A sternlight;

(D) A towing light in a vertical line above the sternlight; and

(E) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(ii) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in subsection (4)(b) of this section.

(iii) A power-driven vessel when pushing ahead or towing alongside, except as required by (b)(ii) of this subsection, shall exhibit:

(A) Instead of the light prescribed either in subsection (4)(b)(i)(A) or (B) of this section, two masthead lights in a vertical line;

(B) Sidelights; and

(C) Two towing lights in a vertical line.

(iv) A power-driven vessel to which (b)(i) or (iii) of this subsection apply shall also comply with subsection (4)(b)(i)(A) and (B) of this section.

(v) A vessel or object other than those referred to in (b)(vii) of this subsection being towed shall exhibit:

(A) Sidelights;

(B) A sternlight; and

(C) When the length of the tow exceeds two hundred meters (656.2 feet), a diamond shape where it can best be seen.

(vi) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(A) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights, and a special flashing light; and

(B) A vessel being towed alongside shall exhibit a sternlight and at the forward end sidelights.

(vii) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(A) If it is less than twenty-five meters (82.0 feet) in breadth, one all-round white light at or near each end;

(B) If it is twenty-five meters (82.0 feet) or more in breadth, four all-round white lights to mark its length and breadth;

(C) If it exceeds one hundred meters (328.1 feet) in length, additional all-round white lights between the lights prescribed in (b)(vii)(A) and (B) of this subsection so that the distance between the lights shall not exceed one hundred meters (328.1 feet): *Provided*, That any vessels or objects being towed alongside each other shall be lighted as one vessel or object;

(D) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and

(E) The towing vessel may direct a searchlight in the direction of the tow to indicate its presence to an approaching vessel.

(viii) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in (b)(v) or (vii) of this subsection, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(ix) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed by (b)(i) or (iii) of this subsection, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being assisted. The searchlight authorized by WAC 352-60-066(5) may be used to illuminate the tow.

(6) Sailing vessels underway and vessels under oars - International and inland waters.

(a) A sailing vessel underway shall exhibit:

(i) Sidelights; and

(ii) A sternlight.

(b) In a sailing vessel of less than twenty meters (65.6 feet) in length the lights prescribed in (a) of this subsection may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in (a) of this subsection, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by (b) of this subsection.

(d)(i) A sailing vessel of less than seven meters (23.0 feet) in length shall, if practicable, exhibit the lights prescribed in (a) or (b) of this subsection, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this subsection for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted

lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward: *Provided*, That for inland waters only, a vessel of less than twelve meters (39.4 feet) in length is not required to exhibit this shape, but may do so.

(7) Fishing vessels - International and inland waters.

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this subsection.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) A masthead light abaft of and higher than the all-round green light; a vessel of less than fifty meters (164.0 feet) in length shall not be obliged to exhibit such a light but may do so; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit:

(i) Two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than twenty meters (65.6 feet) in length may instead of this shape exhibit a basket;

(ii) When there is outlying gear extending more than one hundred fifty meters (492.1 feet) horizontally from the vessel, an all-round white light or a cone apex upward in the direction of the gear; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals as found in Chapter 33, Code of Federal Regulations, Part 81, Annex II and Part 85, Annex II.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this subsection, but only those prescribed for a vessel of her length.

(8) Vessels not under command or restricted in their ability to maneuver - International and inland waters.

(a) A vessel not under command shall exhibit:

(i) Two all-round red lights in a vertical line where they can best be seen;

(ii) Two balls or similar shapes in a vertical line where they can best be seen; and

(iii) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver, except a vessel engaged in mineclearance operations, shall exhibit:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(iii) When making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in (b)(i) of this subsection; and

(iv) When at anchor, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, the light, lights or shapes prescribed in subsection (11) of this section.

(c) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall exhibit:

(i) For inland waters, in addition to the lights or shapes prescribed in (b)(i) and (ii) of this subsection, exhibit the lights or shape prescribed in WAC 352-60-066 (5)(b);

(ii) For international waters, in addition to the lights or shapes prescribed in subsection (5)(a)(i) of this section, exhibit the lights or shapes prescribed in (b)(i) and (ii) of this subsection.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in (b)(i), (ii), and (iii) of this subsection and shall in addition, when an obstruction exists, exhibit:

(i) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) Two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass; and

(iii) When at anchor, the lights or shape prescribed by this paragraph, instead of the lights or shapes prescribed in subsection (11) of this section for anchored vessels.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in (d) of this subsection, the following shall be exhibited:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) A rigid replica of the International Code flag "A" not less than one meter (3.3 feet) in height. Measures shall be taken to insure its all-round visibility.

(f) A vessel engaged in mineclearance operations shall in addition to the lights prescribed for a power-driven vessel in subsection (4) of this section or to the lights or shape prescribed for a vessel at anchor in subsection (11) of this section as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within one thousand meters (3280.8 feet) of the mineclearance vessel.

(g) A vessel of less than twelve meters (39.4 feet) in length, except when engaged in diving operations, is not required to exhibit the lights or shapes prescribed in this subsection.

(h) The signals prescribed in this subsection are not signals of vessels in distress and requiring assistance. Such

signals are contained in Chapter 33, Code of Federal Regulations, Part 87, Annex IV: Distress Signals.

(9) Vessels constrained by their draft - International waters. A vessel constrained by her draft may, in addition to the lights prescribed for power-driven vessels in subsection (4)(a) of this section, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

(10) Pilot vessels - International and inland waters.

(a) A vessel engaged on pilotage duty shall exhibit:

(i) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) When underway, in addition, sidelights and a sternlight; and

(iii) When at anchor, in addition to the lights prescribed in (a)(i) of this subsection, the anchor light, lights, or shape prescribed in subsection (11) of this section for anchored vessels.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a vessel of her length.

(11) Anchored vessels and vessels aground - International and inland waters.

(a) A vessel at anchor shall exhibit where it can best be seen:

(i) In the fore part, an all-round white light or one ball; and

(ii) At or near the stern and at a lower level than the light prescribed in (a)(i) of this subsection, an all-round white light.

(b) A vessel of less than fifty meters (164.0 feet) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in (a) of this subsection.

(c) A vessel at anchor may, and a vessel of one hundred meters (328.1 feet) or more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in (a) or (b) of this subsection and in addition, where they can best be seen:

(i) Two all-round red lights in a vertical line; and

(ii) Three balls in a vertical line.

(e) A vessel of less than seven meters (23.0 feet) in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in (a) and (b) of this subsection.

(f) A vessel of less than twelve meters (39.4 feet) in length when aground shall not be required to exhibit the lights or shapes prescribed in (d)(i) and (ii) of this subsection.

(g) For inland waters only, a vessel of less than twenty meters (65.6 feet) in length, when at anchor in a special anchorage area designated by the United States Coast Guard, shall not be required to exhibit the anchor lights and shapes required by this subsection.

(12) Seaplanes - International and inland waters. Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the requirements section she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.



(13) Law enforcement vessels - Inland waters.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement or public safety activities. This light must be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this subsection may only be displayed by law enforcement vessels of the United States, Washington, and its political subdivisions. The use of blue lights by other vessels is prohibited.

(14) Public safety activities - Inland waters.

(a) Vessels engaged in government sanctioned public safety activities, and commercial vessels performing similar functions, may display an alternately flashing red and yellow light signal. This identification light signal must be located so that it does not interfere with the visibility of the vessel's navigation lights. The identification light signal may be used only as an identification signal and conveys no special privilege. Vessels using the identification light signal during public safety activities must abide by the rules found in WAC 352-60-060, 352-60-065, 352-60-066, and 352-60-070, and must not presume that the light or the exigency gives them precedence or right of way.

(b) Public safety activities include but are not limited to patrolling marine parades, regattas, or special water celebrations; traffic control; salvage; fire fighting; medical assistance; assisting disabled vessels; and search and rescue.

NEW SECTION

**WAC 352-60-065 Sound producing devices.** No person shall operate, or permit to be operated, a vessel on the waters of this state without sound producing devices as follows:

(1) A vessel of twelve meters (39.4 feet) or more in length shall be provided with a whistle and a bell and a vessel of one hundred meters (328.1 feet) or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with Chapter 33, Code of Federal Regulations, Part 86. The bell or gong, or both, may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(2) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to carry the sound signaling appliances prescribed in subsection (1) of this section, but if she does not, she shall be provided with some other means of making an efficient sound signal.

NEW SECTION

**WAC 352-60-066 Sound and light signals.** For the purposes of this section, the term "short blast" means a blast of about one second's duration, and the term "prolonged blast" means a blast of from four to six seconds' duration.

(1) Maneuvering and warning signals - International waters.

(a) When vessels are in sight of one another, a power-driven vessel underway, when maneuvering as authorized or required by these requirements, shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I am altering my course to starboard";

- Two short blasts to mean "I am altering my course to port";

- Three short blasts to mean "I am operating astern propulsion."

(b) Any vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals, repeated as appropriate, whilst the maneuver is being carried out:

(i) These light signals shall have the following significance:

- One flash to mean "I am altering my course to starboard";

- Two flashes to mean "I am altering my course to port";

- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(iii) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of five miles, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 81, Appendix A, Annex I.

(c) When in sight of one another in a narrow channel or fairway:

(i) A vessel intending to overtake another shall in compliance with WAC 352-60-070 (6)(e)(i) indicate her intention by the following signals on her whistle:

- Two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";

- Two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";

(ii) The vessel about to be overtaken when acting in accordance with WAC 352-60-070 (6)(e)(i) shall indicate her agreement by the following signal on her whistle:

- One prolonged, one short, one prolonged and one short blast, in that order.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle only shall be used for giving maneuvering and warning signals.

(2) Maneuvering and warning signals - Inland waters.

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within one-half



mile of each other, each vessel underway, when maneuvering as authorized or required by these requirements:

(i) Shall indicate that maneuver by the following signals on her whistle:

- One short blast to mean "I intend to leave you on my port side";
- Two short blasts to mean "I intend to leave you on my starboard side"; and
- Three short blasts to mean "I am operating astern propulsion."

(ii) Upon hearing the one or two blast signal the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in (d) of this subsection and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in (a) of this subsection by light signals:

(i) These signals shall have the following significance:

- One flash to mean "I intend to leave you on my port side";
- Two flashes to mean "I intend to leave you on my starboard side";
- Three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about one second; and

(iii) The light used for this signal shall, if fitted, be one all-around white or yellow light, visible at a minimum range of two miles (3219.1 meters), synchronized with the whistle, and shall comply with the provisions of Chapter 33, Code of Federal Regulations, Part 84, Annex I.

(c) When in sight of one another:

(i) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle:

- One short blast to mean "I intend to overtake you on your starboard side";
- Two short blasts to mean "I intend to overtake you on your port side"; and

(ii) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in (d) of this subsection.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than one hundred meters (328.1 feet), one whistle

only shall be used for giving maneuvering and warning signals.

(g) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(h) A vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radiotelephone as prescribed by the Federal Bridge-to-Bridge Radiotelephone Act (85 Stat. 165; 33 U.S.C. 1207), is not obliged to sound the whistle signals prescribed by this subsection, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

(3) Sound signals in restricted visibility - International waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to maneuver when carrying out her work at anchor, shall instead of the signals prescribed in (g) of this subsection sound the signal prescribed in (c) of this subsection.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in (g) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (g) of this subsection sound an identity signal consisting of four short blasts.

(4) Sound signals in restricted visibility - Inland waters. In or near an area of restricted visibility, whether by day or night, the signals prescribed in this subsection shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than two minutes, one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than two minutes, two prolonged blasts in succession with an interval of about two seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, whether under way or at anchor; a sailing vessel; a vessel engaged in fishing, whether underway or at anchor; and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in (a) or (b) of this subsection, sound at intervals of not more than two minutes, three blasts in succession, namely, one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than two minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in (a) or (b) of this subsection.

(f) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about five seconds. In a vessel of one hundred meters (328.1 feet) or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about five seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in (f) of this subsection and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than twelve meters (39.4 feet) in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than two minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in (a), (b), or (f) of this subsection sound an identity signal consisting of four short blasts.

(j) The following vessels shall not be required to sound signals as prescribed in (f) of this subsection when anchored in a special anchorage area designated by the United States Coast Guard:

(i) A vessel of less than twenty meters (65.6 feet) in length; and

(ii) A barge, canal boat, scow or other nondescript craft.

(5) Signals to attract attention - International and inland waters.

(a) If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these requirements, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

(b) For international waters only, any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this subsection the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-070 Steering and sailing. ~~((1) When used on the waters of Washington state which are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A, a vessel shall comply with the steering and sailing rules of such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, Part 81-72.~~

~~(2) When used on the inland waters of Washington state, a vessel shall comply with the steering and sailing rules of the Inland Navigational Rules Act of 1980, 33, United States Code, Chapter 34.)~~ The requirements in this section meet the rules established in Chapter 33, Code of Federal Regulations, Parts 81 and 82, and shall be construed to supplement federal laws and regulations. Federal laws and regulations shall control if any requirement is inconsistent with federal laws and regulations.

(1) Application - International and inland waters. The requirements in this section shall apply in any conditions of visibility.

(2) Look-out - International and inland waters. Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

(3) Safe speed - International and inland waters. Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account by:

(a) All vessels:

(i) The state of visibility;

(ii) The traffic density including concentrations of fishing vessels or any other vessels;

(iii) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) At night the presence of background light such as from shore lights or from back scatter of her own lights;

(v) The state of wind, sea, and current, and the proximity of navigational hazards;

(vi) The draft in relation to the available depth of water;

(b) Additionally, by vessels with operational radar:

(i) The characteristics, efficiency and limitations of the radar equipment;

(ii) Any constraints imposed by the radar range scale in use;

(iii) The effect on radar detection of the sea state, weather, and other sources of interference;

(iv) The possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) The number, location, and movement of vessels detected by radar; and

(vi) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

(4) Risk of collision - International and inland waters. Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(a) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(b) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(c) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and

(ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow, or when approaching a vessel at close range.

(5) Action to avoid collision - International and inland waters.

(a) Any action to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)(i) A vessel which, by any of these requirements, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the requirements of this part.

(iii) A vessel, the passage of which is not to be impeded remains fully obliged to comply with the requirements of this part when the two vessels are approaching one another so as to involve risk of collision.

(6) Narrow channels - International waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (1)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (1)(c)(i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in WAC 352-60-066 (1)(c)(ii) and take steps to permit safe passing. If in doubt she shall sound the signals prescribed in WAC 352-60-066 (1)(d).

(ii) This subsection does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (1)(e).

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(7) Narrow channels - Inland waters.

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the passage of a

vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in WAC 352-60-066 (2)(d) if in doubt as to the intention of the crossing vessel.

(e) In a narrow channel or fairway:

(i) When overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in WAC 352-60-066 (2)(c) and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in WAC 352-60-066 (2)(d).

(ii) This requirement does not relieve the overtaking vessel of her obligation under subsection (11) of this section.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in WAC 352-60-066 (2)(e).

(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(8) Vessel traffic separation schemes - International and inland waters.

(a) This subsection applies to traffic separation schemes and does not relieve any vessel of her obligation under any other requirement.

(b) A vessel using a traffic separation scheme shall:

(i) Proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

(ii) So far as practicable keep clear of a traffic separation line or separation zone;

(iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.

(d)(i) A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than twenty meters (65.6 feet) in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

(ii) Notwithstanding (d)(i) of this subsection, a vessel may use an inshore traffic zone when enroute to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

(i) In cases of emergency to avoid immediate danger;

(ii) To engage in fishing within a separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than twenty meters (65.6 feet) in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k) A vessel restricted in her ability to maneuver when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this subsection to the extent necessary to carry out the operation.

(l) A vessel restricted in her ability to maneuver when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this subsection to the extent necessary to carry out the operation.

(9) Conduct of vessels in sight of one another - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purposes of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(10) Conduct of vessels in sight of one another - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Sailing vessels - When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and

(iii) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purpose of this subsection the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

(11) Overtaking situation - International and inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Notwithstanding anything contained in this section, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these requirements or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(12) Head-on situation - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(13) Head-on situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Unless otherwise agreed, when two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(14) Crossing situation - International waters. The requirements in this subsection apply to vessels in sight of one another. When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and

shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(15) Crossing situation - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(16) Action by give-way vessel - International waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(17) Action by give-way vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

(18) Action by stand-on vessel - International waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(19) Action by stand-on vessel - Inland waters. The requirements in this subsection apply to vessels in sight of one another.

(a) Where one of two vessels is to keep out of the way, the other shall keep her course and speed. The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these requirements.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with (a) of this subsection to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This subsection does not relieve the give-way vessel of her obligation to keep out of the way.

(20) Responsibilities between vessels - International waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (6), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver.

(d) Any vessel other than a vessel not under command or a vessel restricted in her ability to maneuver shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draft, exhibiting the signals in WAC 352-60-060(9). A vessel constrained by her draft shall navigate with particular caution having full regard to her special condition.

(e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(21) Responsibilities between vessels - Inland waters. The requirements in this subsection apply to vessels in sight of one another. Except where subsections (7), (8), and (11) of this section otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing;
- (iv) A sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver;
- (iii) A vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

- (i) A vessel not under command;
- (ii) A vessel restricted in her ability to maneuver.

(d) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the requirements of this section.

(22) Conduct of vessels in restricted visibility - International waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

(23) Conduct of vessels in restricted visibility - Inland waters.

(a) This subsection applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with subsections (1) through (8) of this section.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

(ii) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears, apparently forward of her beam, the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-080 Fire ((extinguishing equipment)) extinguisher required. ((When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the fire extinguishing equipment as required by Title 46, Code of Federal Regulations, Subpart 25.30.))

(1) Every vessel with a motor, except vessels with an outboard motor, less than twenty-six feet (7.9 meters) in

length and of open construction, shall carry on board, fully charged and in serviceable condition the following hand portable marine approved fire extinguishers:

(a) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) in length - One extinguisher;

(ii) Twenty-six feet (7.9 meters) but less than forty feet (12 meters) in length - Two extinguishers;

(iii) Forty feet (12 meters) or longer in length - Three extinguishers.

(b) Motorboats with a fixed extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) - No hand portable extinguisher required;

(ii) Twenty-six feet (7.9 meters) or longer in length, but less than forty feet (12 meters) in length - One extinguisher;

(iii) Forty feet (12 meters) or longer in length - Two extinguishers.

(2) The fire extinguishers required by this section are Class B-I as described in Title 46, Code of Federal Regulations, 25.30, however, one Class B-II described in that regulation may be substituted for two Class B-I extinguishers.

AMENDATORY SECTION (Amending Order 79, filed 5/18/84)

WAC 352-60-090 Backfire flame control. (~~When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the backfire flame control devices as required by Title 46, Code of Federal Regulations, Subpart 25.35-.)~~ No person shall operate or permit the operation of a vessel powered by a gasoline engine unless it meets the following requirements:

(1) All gasoline engines, except outboard motors, must be equipped with an acceptable means of backfire flame control. Installations consisting of backfire flame arresters approved by the United States Coast Guard under 46 Code of Federal Regulations Parts 25 and 58 are acceptable.

(2) A United States Coast Guard approved flame arrester bearing basic Approval Numbers 162.015 or 162.041 or engine air and fuel induction systems bearing basic Approval Numbers 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must meet the applicable requirements of subsection (3) of this section.

(3) The following are acceptable means of backfire flame control for gasoline engines:

(a) A backfire flame arrester complying with SAE J-1928 or UL 1111, and marked accordingly. The flame arrester must be suitably secured to the air intake with a flamtight connection.

(b) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester, must either include a reed valve assembly or be installed in accordance with SAE J-1928.

(c) An arrangement of the carburetor or engine air induction system that will disperse any flames caused by the engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling, but must comply with this requirement.

#### NEW SECTION

**WAC 352-60-120 Water ski observer.** Qualifications. These rules are to establish minimum requirements for the observer required when water skiing on the waters of the state.

(1) The observer shall be physically capable and mentally competent of performing the following requirements:

(a) Continuously observe the skier or skiers;

(b) Inform the operator of the vessel towing the skier or skiers when they are no longer being towed;

(c) Raise the skier down flag as required when a person is in the water preparing to ski or returning to the ski vessel.

(2) Nothing in this section shall preempt local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt more stringent regulations on the qualifications for water ski observer.

#### NEW SECTION

**WAC 352-60-130 Whitewater river guides.** Lifesaving qualifications.

(1) Any person who is charged with the responsibility to perform or act as a whitewater river guide for a commercial whitewater company that takes passengers for hire onto the waters of the state is required to have a valid first-aid card from a course that is approved by the Washington department of labor and industries or the department of health, qualifying that person to perform first aid and cardiopulmonary resuscitation (CPR).

(2) The outline of the first-aid course will include cardiopulmonary resuscitation (CPR) instruction consistent with the most current guidelines of the most recent supplement to the *Journal of the American Medical Association* (JAMA). The course outline will include instruction criteria consistent with current Washington state medical protocols.

**WSR 94-12-066  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Institutions)

[Filed May 31, 1994, 8:55 a.m.]

Original Notice.



Title of Rule: Chapter 275-47 WAC, Collection of costs of support, treatment, and confinement of juveniles under RCW 13.40.220.

Purpose: Authorizes the department to collect from parents, the costs for treatment and confinement of a child when legal custody of that child is vested in the department.

Statutory Authority for Adoption: RCW 13.40.220.

Statute Being Implemented: RCW 13.40.220.

Summary: Specifies the procedures and cost reimbursement schedule for collection of costs for treatment and confinement of a child.

Reasons Supporting Proposal: Authorizes the department to collect from parents the costs for treatment and confinement of a child when legal custody of that child is vested in the Department of Social and Health Services.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marty Butkovich, Juvenile Rehabilitation Administration, 753-7406.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Olympia: On July 5, 1994, Tuesday at 10:00 a.m., Juvenile Rehabilitation Administration will hold a public rule hearing on chapter 275-47 WAC. The Department of Social and Health Services Headquarters Auditorium is located in Office Building #2 at 14th Avenue and Franklin Street, Olympia, Washington 98504; and in Yakima: On July 7, 1994, Thursday at 10:00 a.m., Juvenile Rehabilitation Administration will hold a public rule hearing on chapter 275-47 WAC. The Yakima Conference Room 5 (phone 454-4284) is located in a three-story brick building, on 2nd Floor, at 1002 North 16th Avenue, Yakima, WA 98902.

If you need sign language assistance, please contact the Office of Vendor Services by June 21, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, Washington 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 28, 1994.

Date of Intended Adoption: July 8, 1994.

May 31, 1994  
Dewey Brock, Chief  
Office of Vendor Services  
Administrative Services Division

**Chapter 275-47 WAC  
COLLECTION OF COSTS OF SUPPORT,  
TREATMENT, AND CONFINEMENT OF  
JUVENILES UNDER RCW 13.40.220**

NEW SECTION

**WAC 275-47-010 Definitions.** (1) "Juvenile" means juvenile offender sentenced to confinement in the department, other than an offender for whom a parent is approved to receive adoption support under chapter 74.13 RCW.

(2) "Department" means the department of social and health services, state of Washington.

(3) "Gross income" means the total income from all sources, received by the parent, the juvenile, or other children of the parent remaining in the household, other than a step-child, as determined by the department.

(4) "Parent" means the parent of the juvenile or other person legally-obligated to care for and support the juvenile, not including a stepparent.

(5) "Parents and dependents" means the juvenile's parent or parents, a stepparent living in the home who has no income, any child on whom the parent may claim a federal income tax deduction, not including the juvenile confined to the department, and any stepchild for whom the parent is the sole means of support.

NEW SECTION

**WAC 275-47-020 Cost reimbursement schedule.** A parent shall pay a percentage of gross income to the department for the cost of support, treatment, and confinement of the juvenile in accordance with the reimbursement schedule below:

Annual Gross Income

Percentage of Gross Income

Ordered for Reimbursement of Costs

Number of Parents and Dependents Remaining in Household

	Number of Parents and Dependents Remaining in Household										
	1	2	3	4	5	6	7	8	9	10	11
AFDC or \$0 - 600	0	0	0	0	0	0	0	0	0	0	0
\$601 - 1000	8%	6%	4%	2%	0	0	0	0	0	0	0
\$1001 - 2000	12%	10%	8%	6%	4%	2%	0	0	0	0	0
\$2001 - 3000	16%	14%	12%	10%	8%	6%	4%	2%	0	0	0
\$3001 - 4000+	18%	16%	14%	12%	10%	8%	6%	4%	2%	0	0

(1) Within fifteen days of receipt, a parent shall mail to the department a certified financial statement on forms provided by the department. Based on the statement and on other information available to it, the department shall determine the parent's gross income, the number of parents

and dependents, and the reimbursement obligation, and shall serve on the parent a notice and finding of financial responsibility.

(2) If a parent fails to timely provide a financial statement, the reimbursement obligation shall be four



hundred dollars per month, and retroactively may be raised if the department determines later that the parent was liable for more than that amount under the reimbursement schedule.

(3) If the juvenile's parents reside in separate households, each parent shall be liable for reimbursement.

(4) The gross income of a parent shall be reduced by the amount the parent pays in spousal maintenance to the juvenile's parent, which is gross income to the receiving parent. The gross income of a parent shall be reduced by the amount of child support paid for any child, pursuant to court order, on whom the parent did not claim as a dependent under the reimbursement schedule.

(5) Reimbursement may not exceed the cost of care as determined by the department.

(6) The reimbursement obligation commences the day the juvenile enters the custody of the department, regardless of when the notice and finding of financial responsibility is received by the parent. A monthly reimbursement obligation shall be reduced on a pro-rata basis for any days in which the juvenile was not in the custody of the department.

#### NEW SECTION

**WAC 275-47-030 Hearing.** A parent may request a hearing under RCW 13.40.220(5) to contest a notice and finding of financial responsibility issued by the department. The department shall ensure the hearing is governed by chapter 34.05 RCW and chapter 388-08 WAC. The sole issues at the hearing include whether the:

(1) Person receiving the notice and finding of financial responsibility is a parent of the juvenile; and

(2) Department correctly:

(a) Determined the parent's gross income and the number of parents and dependents; and

(b) Calculated the reimbursement obligation in accordance with the reimbursement schedule as described under WAC 275-47-020.

#### NEW SECTION

**WAC 275-47-040 Modifications.** (1) A parent may modify the parent's financial statement upon a change in gross income or in the number of persons residing in the household only if the change decreases the reimbursement obligation by one hundred dollars per month or more. A decrease may be granted only from the date on which the request for modification is made, and may not be applied retroactively.

(2) A parent shall file a financial statement modification if a change in gross income or the number of persons residing in the household increases the reimbursement obligation by one hundred dollars per month or more. An increase may be applied retroactively.

(3) An modified financial statement shall result in the department serving a new finding and notice of financial responsibility.

**WSR 94-12-070**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**

[Filed May 31, 1994, 9:57 a.m.]

Original Notice.

Title of Rule: Practice and procedure, chapter 468-10 WAC.

Purpose: To provide rules of practice and procedure for departmental adjudicative proceedings and rule making under chapter 34.05 RCW and repeal those rules of practice and procedure invalidated by chapter 34.05 RCW.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 74.01.101(5).

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Amendments include deletion of rules of procedure that are inconsistent with chapter 34.05 RCW and adopts new hearing procedures for departmental adjudicative proceedings.

Reasons Supporting Proposal: Compliance with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Patricia Nightingale, 905 Plum Street, Building 3, Olympia, WA, 753-6126; Implementation and Enforcement: Attorney General's Office.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: A short explanation and purpose can be found in Summary above. The anticipated effect is that adjudicative proceedings will be held in accordance with state law.

Proposal Changes the Following Existing Rules: WAC 468-10-010 through 468-10-320 will be repealed. Amendments include the adoption of chapter 10-08 WAC to the extent they are consistent with the provisions of chapter 468-10 WAC and the adoption of additional rules of practice and procedure for departmental adjudicative proceedings.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commission Board Room, 1D2 Transportation Building, Olympia, Washington 98504, on July 6, 1994, at 9:00 a.m.

Submit Written Comments to: Patricia Nightingale, Assistant Attorney General, P.O. Box 40113, Olympia, WA 98504-0113, FAX (206) 586-6847, by July 1, 1994.

Date of Intended Adoption: July 6, 1994.

May 27, 1994

S. A. Moon

Deputy Secretary

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 468-10-010 Appearance and practice before commission or secretary—Who may appear.

WAC 468-10-020 Appearance and practice before commission or secretary—

- WAC 468-10-030 Solicitation of business unethical.
- WAC 468-10-040 Appearance and practice before commission or secretary—Standards of ethical conduct.
- WAC 468-10-050 Appearance and practice before commission or secretary—Appearance and/or representation by former employee, attorney, or officer.
- WAC 468-10-050 Computation of time.
- WAC 468-10-060 Order in presenting evidence—Franchise applications.
- WAC 468-10-070 Official notice—Matters of law.
- WAC 468-10-080 Official notice—Material facts.
- WAC 468-10-090 Stipulations and admissions of record.
- WAC 468-10-100 Form and content of decisions in contested cases.
- WAC 468-10-110 Definition of issues before hearing.
- WAC 468-10-120 Prehearing conference rule—Authorized.
- WAC 468-10-130 Prehearing conference rule—Record of conference action.
- WAC 468-10-140 Submission of documentary evidence in advance.
- WAC 468-10-150 Excerpts from documentary evidence.
- WAC 468-10-160 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
- WAC 468-10-170 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
- WAC 468-10-180 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
- WAC 468-10-190 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 468-10-160 or 468-10-170.
- WAC 468-10-200 Continuances.
- WAC 468-10-210 Rules of evidence—Admissibility criteria.
- WAC 468-10-220 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 468-10-230 Briefs.
- WAC 468-10-232 Answer.
- WAC 468-10-234 Agency action following preparation of proposed decision.
- WAC 468-10-240 Petitions for rule making, amendment, or repeal—Who may petition.

- WAC 468-10-250 Petitions for rule making, amendment, or repeal—Requirements.
- WAC 468-10-260 Petitions for rule making, amendment, or repeal—Agency must consider.
- WAC 468-10-270 Petitions for rule making, amendment, or repeal—Notice of disposition.
- WAC 468-10-280 Petitions for rule making, amendment, or repeal—Form.
- WAC 468-10-290 Declaratory rulings—Who may petition—Action of commission or secretary.
- WAC 468-10-300 Forms.
- WAC 468-10-310 Stay of final decision.
- WAC 468-10-320 Consideration of economic costs and impacts in rule making.

NEW SECTION

**WAC 468-10-400 Application of this chapter.** This chapter applies to all adjudicative proceedings under the jurisdiction of the department of transportation or the secretary of the department of transportation: *Provided*, That the rules shall not apply to appeals under RCW 47.28.070 and joint hearings under RCW 47.68.290.

NEW SECTION

**WAC 468-10-410 Adoption of model rules of procedures.** Except as they may be inconsistent with the rules in this chapter, the department of transportation adopts the model rules of procedures as set forth in chapter 10-08 WAC. Where the rules of this chapter conflict with those of chapter 10-08 WAC, the rules of this chapter shall govern. Where the rules of this chapter conflict with chapter 468-100 WAC, the rules of chapter 468-100 WAC shall govern. Where the rules of chapter 468-100 WAC conflict with chapter 10-08 WAC, the rules of chapter 468-100 WAC shall govern.

NEW SECTION

**WAC 468-10-420 Definitions.** The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

"Department" means the Washington state department of transportation.

"Secretary" means the secretary of the Washington state department of transportation.

Where the rules of this chapter use words defined in RCW 34.05.010, those definitions shall govern.

NEW SECTION

**WAC 468-10-430 Application for adjudicative proceeding.** (1) An application for an adjudicative proceeding must be filed in writing within thirty days of the action that is the subject of the appeal.

(2) An application for an adjudicative proceeding shall specify the issue or issues to be adjudicated in the proceeding and must be signed by the applicant or the applicant's

representative. The signature of an applicant or the applicant's representative constitutes a certificate by the applicant or applicant's representative that the applicant or applicant's representative has read the application; that to the best of the applicant's or applicant's representative's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of adjudication. If an application is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the applicant or applicant's representative. If an application is signed in violation of this rule, the presiding officer, upon motion or upon its own initiative, may impose upon the person who signed it, a representative party, or both, an appropriate sanction, which may include dismissal of the case.

(3) An application for an adjudicative proceeding shall be served by certified mail, registered mail, or personal service on the Office of the Secretary of the Washington State Department of Transportation, 3D25 Transportation Building, Olympia, WA 98504-7316. Service by electronic telefacsimile transmission is not allowed.

#### NEW SECTION

**WAC 468-10-440 Standards of ethical conduct.** All persons appearing in an adjudicative proceeding shall conform to the standards of ethical conduct required of attorneys before the courts of Washington as required by the rules of professional conduct. If any such person does not conform to such standards, the presiding officer may decline to permit such person to appear in a representative capacity in the adjudicative proceeding.

#### NEW SECTION

**WAC 468-10-450 Appearance and practice—Appearance and/or representation by former employee, attorney or officer.** (1) No person who has served as an officer, attorney, or employee of the department shall appear in an adjudicative proceeding or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any adjudicative proceeding or application with respect to which such person was directly concerned and in which one personally participated during the period of her or his service or employment.

(2) No person who has served as an officer, attorney, or employee of the department shall appear, except with the permission of the secretary, as an expert witness on behalf of any party, other than the department, in an adjudicative proceeding in which she or he previously took an active part in the matter as a representative of the department.

#### NEW SECTION

**WAC 468-10-460 Answer.** (1) When the department serves a party with a notice of hearing pursuant to RCW 34.05.413(5), the party shall file an answer stating in short plain terms his/her response or defense to the matters asserted in the notice, and shall admit or deny averments in

the notice (other than statements of time, place, and nature of the proceeding). If the party is without knowledge or information to form a belief as to the truth of an averment, the party shall so state and this will have the effect of a denial. When a party intends in good faith to deny any part or qualification of an averment, she/he shall specify so much of it as is true and material and shall deny the remainder. A party may make the denials as specific denials of designated averments or paragraphs, or may generally deny all averments except those expressly admitted.

(2) In his/her answer to the notice, a party shall set forth affirmatively any matter constituting an avoidance or affirmative defense. Defenses not pleaded in the answer are waived.

(3) An answer shall be filed within twenty days after the notice of hearing is served unless the date of hearing is less than forty days from the date the notice of hearing is served in which event an answer must be filed within half the intervening time.

(4) Any defense that the hearing cannot be held because the party served with the notice has been prejudiced because of some irregularity in procedure must be pleaded in the answer by specific averment which shall include such supporting particulars as are within the answering party's knowledge or could have reasonably been learned by the answering party.

(5) No reply to an answer shall be filed. Affirmative averments in the answer shall be deemed denied or avoided.

#### NEW SECTION

**WAC 468-10-470 Discovery, protective orders.** Discovery will be available in adjudicative proceedings only as follows:

(1) **Methods:** Any party to an adjudicative proceeding may only obtain discovery from another party by written interrogatories, subpoenas duces tecum, and written requests for production of documents. The procedures regarding these methods of discovery are found at CR 33 and CR 34 as now or hereafter amended unless inconsistent with the rules herein.

(2) **Scope of discovery:** Parties may obtain discovery to the extent authorized by CR 26(b).

(3) **Protective order:** Any party may file a motion for protective order regarding discovery. Rulings on such motions shall be made by the presiding officer.

(4) **Order compelling discovery:** The presiding officer is authorized to make any order that a court could make under CR 37(a), including an order awarding expenses of the motion to compel discovery.

(5) **Completion of discovery:** All discovery allowed under this section must be completed at a reasonable time prior to hearing as determined by the presiding officer in a discovery schedule. Nothing herein stated shall modify a party's responsibility to promptly supplement responses to discovery rules or otherwise comply with discovery.

(6) **Use at hearing:** Information and documents obtained pursuant to discovery will not become part of the record until received into evidence by the presiding officer upon the motion of any party.

NEW SECTION

**WAC 468-10-480 Excerpts from documentary evidence.** When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such material will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

NEW SECTION

**WAC 468-10-490 Motions before presiding officers.**

(1) **Scope of section:** This section governs all motions made to the presiding officer except those made orally on the record during an adjudicative proceeding.

(2) **Form:** A motion must be in writing. It must state the order of relief requested and the grounds for the motion. It may be accompanied by affidavits. It must be supported by legal authorities, set out in the motion or in a supporting brief.

(3) **Response:** Any party may serve and file a response within five days after the motion has been served on that party.

(4) **Filing:** The original and one copy of every motion and response, with supporting papers, must be filed with the presiding officer, along with proof of service.

(5) **Ruling:** When the presiding officer has received a response from all parties, or five days have elapsed since the last party was served, the presiding officer shall rule on the motion without oral argument, unless the presiding officer, in his or her discretion, orders that argument be heard.

NEW SECTION

**WAC 468-10-500 Prehearing conference.** (1)

**Conference:** The presiding officer, as a matter of discretion, with or without a motion from a party, may direct the applicant or applicant's representative to appear before the presiding officer for a conference to consider:

- (a) The definition and simplification of issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will be premarked for admission into evidence in order to avoid unnecessary proof;
- (d) The limitations of the number of expert witnesses;
- (e) Briefing schedules;
- (f) Other matters that may aid in the disposition of the proceeding.

(2) **Order:** The presiding officer shall make a written order that recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions of counsel/party. The order when served and filed controls the subsequent course of the case, unless it is modified at the hearing to prevent manifest injustice.

NEW SECTION

**WAC 468-10-510 Evidence.** (1) **General rules on admissibility:** Presiding officers shall admit and give probative value to evidence that is admissible in the superior courts of the state of Washington in a trial. In addition, a presiding officer may admit and give probative effect to other evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Presiding officers shall give effect to the rules of privileges recognized in the courts of this state. Presiding officers may exclude irrelevant, immaterial, and duly repetitious evidence.

(2) **Stipulations encouraged:** Counsel/parties are requested to mark proposed exhibits in advance of hearing and to stipulate to the admission of all exhibits that are not objectionable.

(3) **Copies of documents and exhibits:** Unless excused from doing so by the presiding officer, a party offering a document or other exhibit in evidence must furnish copies to all other parties.

(4) **Official notice:** The presiding officer may take notice of judicially cognizable facts, and in addition may take notice of general, technical, or scientific facts within his or her specialized knowledge. Any party may, by motion, ask the presiding officer to take official notice of facts or material. When the presiding officer takes official notice of any facts or material, the presiding officer must notify the parties of what is noticed and afford them reasonable opportunity to contest the noticed facts or material. This may be done at any time before the presiding officer's order becomes final.

NEW SECTION

**WAC 468-10-520 Petitions for review of initial orders—Final orders.** (1)

Except in brief adjudicative proceedings, initial orders in all adjudicative proceedings before the department will become final without further action by the department unless, within twenty days of the date of service of the initial order, a petition for review is filed with the person named and the address stated in the initial order for such petition of review.

(2) The provisions of WAC 10-08-211 apply to petitions for review of initial orders.

(3) WAC 468-10-530 governs review of orders in brief adjudicative proceedings.

NEW SECTION

**WAC 468-10-530 Brief adjudicative proceedings.**

(1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. The department may use brief adjudicative proceedings for the following matters:

(a) Actions taken by the department with respect to motorist information sign permit applications and revocations under WAC 468-70-070.

(b) Actions taken by the department with respect to hazardous structures or obstacles that obstruct the air space above ground or water level under RCW 47.68.340 and 47.68.350.

(c) Actions taken by the department after the state patrol has confiscated an overweight permit or overlength permit and the department has suspended or revoked the permit under RCW 46.44.105(9).

(d) Actions taken by the department with respect to its motor carrier service office's permit refund policy.

(2) For matters listed in subsection (1) of this section, the department's notice of action shall provide the name and address of the appropriate office at which an application for a brief adjudicative proceeding must be filed. An application for a brief adjudicative proceeding shall be served on the department by certified mail, registered mail, or personal service.

(3) An application for a brief adjudicative proceeding must be filed within twenty days from the date of service of the department's notice of action. Such application shall contain a written explanation of the party's view of the matter and may be supported by affidavits. Other parties may file a written response, including supporting affidavits, within ten days after receipt of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties.

(4) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the secretary. The presiding officer shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(5) The presiding officer may, in his or her discretion, entertain oral argument from the parties or their representatives, at a time and place designated by the presiding officer.

(6) No witnesses may appear to testify.

(7) In addition to the record, the presiding officer may employ agency expertise as a basis for decision.

(8) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief oral statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.

(9) The presiding officer's written decision is an initial order. An initial order shall become the final order within twenty-one days of the date of service.

(10) A petition for review of an initial order shall be served by certified mail, registered mail, or personal service upon the Office of the Secretary of the Washington State Department of Transportation, 3D25 Transportation, Olympia, WA 98504-7316, and copies shall be served on all parties. A petition for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. Responses to a petition for review of an initial order shall be served on the secretary at the above designated address and on all parties within ten days after receipt of the petition for review.

(11) The secretary or his or her designee shall act as the reviewing officer and shall conduct a review of an initial order upon the timely service of a petition for review or upon his or her own motion. The reviewing officer shall adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain the party's view of the matter.

(12) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or the petition for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(13) The record in a brief adjudicative proceeding shall consist of any documents regarding the matters that were considered or prepared by the presiding officer for the brief adjudicative proceedings and/or by the reviewing officer for any review.

### WSR 94-12-071

#### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed May 31, 1994, 10:00 a.m.]

##### Original Notice.

Title of Rule: Real property acquisition and relocation assistance, chapter 468-100 WAC.

Purpose: To set forth the procedures to govern departmental relocation hearings.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.01.101(5).

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Amendments include deletion of rules of procedure that are inconsistent with chapter 34.05 RCW and adopts new hearing procedures.

Reasons Supporting Proposal: Adoption of rules of procedure consistent with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Patricia Nightingale, 905 Plum Street, Building 3, Olympia, WA, 753-6126; Implementation and Enforcement: Attorney General's Office.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: A short explanation and purpose can be found in Summary above. The anticipated effect is that relocation hearings will be held in accordance with federal and state law.

Proposal Changes the Following Existing Rules: Subsections (5) and (7) through (16) will be repealed; subsection (6) will be renumbered to (5); subsection (6) will be modified to state that the department adopts the hearing procedures set forth in chapter 468-10 WAC to the extent they are consistent with the rules of chapter 468-100 WAC; and subsection (7) will be modified to allow for discovery and protective orders as authorized under RCW 34.05.446(2).

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commission Board Room, 1D2 Transportation Building, Olympia, Washington 98504, on July 6, 1994, at 9:00 a.m.

Submit Written Comments to: Patricia Nightingale, P.O. Box 40113, Olympia, WA 98504-0113, FAX (206) 586-6847, by July 1, 1994.

Date of Intended Adoption: July 6, 1994.

May 27, 1994

S. A. Moon

Deputy Secretary

**AMENDATORY SECTION** (Amending Order 121, filed 8/14/89, effective 9/14/89)

**WAC 468-100-010 Appeals.** The displacing agency shall promptly review appeals in accordance with the requirements of applicable law and this chapter.

(1) **Actions which may be appealed:** A person may file written notice of an appeal with the displacing agency in any case in which the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-106 or 468-100-107, or a relocation payment required under this chapter.

(2) **Limitations:** A person is entitled to only such benefits as are specifically delineated in this chapter.

(3) **Form of notice:** The displacing agency shall consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the displacing agency's project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The displacing agency may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by the agency.

(4) **Time limit for initiating appeal:** The time limit shall be sixty days after the person receives written notification of the agency's determination on the person's claim.

(5) ~~(Right to representation:~~ A person has a right to be represented by legal counsel or other representative in connection with the person's appeal, but solely at the person's own expense.

(6) **Review of files by person making appeal:** The displacing agency shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the agency. The agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

~~((7) Preliminary review authorized:~~ In order to ensure consistent and uniform administration of the relocation assistance program, a displacing agency may establish an administrative review procedure for a preliminary review of all appeal notifications.

(8) **Preliminary review notice:** In the event of a preliminary review, the aggrieved person shall be given notice of such review and a reasonable time specified by the displacing agency to present any documents, written statements, or written evidence in support of the person's claim. Such review shall be accomplished promptly after receipt of appropriate notice by the aggrieved person. The agency shall notify the person of the decision resulting from the review and the person's right to be heard (a hearing) in the event the agency does not allow a claim, in whole or in part.

~~(9) Applicability of the Administrative Procedure Act:~~

~~(a) In accordance with RCW 8.26.010(3), the provisions of the Administrative Procedure Act (Title 34 RCW) regarding the resolution of contested cases shall be utilized as applicable by the head of the displacing agency in resolving any appeal filed pursuant to this section.~~

~~(b) References to "agency" in the Administrative Procedure Act shall be understood to mean "displacing agency" for the purposes of this chapter.~~

~~(10) Time and place of hearing:~~ The hearing officer shall hold hearing within forty five days following receipt from the displacing agency of the notice of appeal, and upon not less than twenty days' notice to the aggrieved person. Hearing shall be held in the county where the real property is located, or at such other location as may be agreed upon between the hearing officer and the aggrieved person. Failure to hold such hearing within the time specified herein, however, shall not affect the authority of the hearing officer, the necessity of the hearing, or the rights of the parties involved.

~~(11) Hearing process:~~

~~(a) Admissibility of evidence:~~ Subject to the other provisions of this chapter, all relevant evidence is admissible which, in the opinion of the hearing officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. All pertinent justification and other material submitted by the person and obtained by the agency, and all other available information that is needed to ensure a fair and full review of the appeal, shall be considered, *de novo* (i.e., from the beginning, anew, afresh, a second time). Authorities pertinent to a review or hearing shall be matters of applicable law, including the displacing agency's procedures established pursuant to WAC 468-100-004(1) and the provisions of this chapter. In passing on the admissibility of evidence, the hearing officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

~~(b) Subpoenas:~~ Every subpoena shall state the name of the displacing agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under the person's control at a specified time and place.

~~(c) Service:~~ Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering the person on demand the fees for one day's attendance and the mileage allowed by law.

~~(d) Proof of service:~~ The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the displacing agency or the hearing officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the displacing agency and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

(e) **Quashing:** Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena was issued, any party may:

(i) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(ii) Condition denial of the motion upon just and reasonable conditions:

(f) **Scope—Geographical:** Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(g) **Depositions and interrogatories:** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a notice of appeal. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this regulation and the regulation on subpoenas.

(h) **Scope (relevance):** Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

(i) **Protection of parties and deponents:** A party desiring to take a deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or any other order which justice requires.

(j) **Recordation—Objections:** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony. Objections to notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

(k) **Signing attestation and returns:** When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read

to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the hearing officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(l) **Use and effect—Certification:** The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to any party or to the deponent.

Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon the hearing officer's own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a second party, or the privy of a second party, or any hostile witness the party's witness by taking the second party's deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by the party or any other party.

(m) **Depositions upon interrogatories:** Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

(n) **Official notice—Matters of law:** The hearing officer, upon request made before or during a hearing, will officially notice:

(i) **Federal law:** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and official publications;

(ii) **State law:** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals



and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and official publications;

(iii) ~~Governmental organization:~~ Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, and several states and foreign nations;

(iv) ~~Agency organization:~~ The department, commission or board organization, administration, officers, personnel, and official publications.

(e) ~~Record:~~ The record on any appeal shall consist of the decision or order appealed from the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, briefs, stipulations or requests duly filed by any party. Such record shall also include all depositions, the transcript of testimony and argument and other proceedings at the hearing, together with all exhibits offered. No part of the records of the displacing agency or other documents shall be made part of the record unless admitted in evidence.

(12) ~~Submission of proposed decision:~~ The hearing officer shall, within thirty days after completion of the hearing and record, prepare in writing a proposed decision containing findings and conclusions as to each contested issue of fact. The hearing officer shall file the original, signed by the officer, with the head of the displacing agency and mail, by certified or registered first class mail, a copy to each aggrieved person who is a party to the appeal and to the party's attorney or representative of record.

(13) ~~Exception—Time for filing:~~ Within twenty days, or such further period as the hearing officer may allow, any party to the appeal may file with the hearing officer, a written statement of exceptions to the proposed decision of the hearing officer.

(14) ~~Reply to exceptions:~~ Any party may, within fifteen days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken. In such instances, a copy of the transcript of testimony and other proceedings of the hearing shall be made available to the parties.

(15) ~~Submission of record and issuance of final decision and order:~~ The entire record, including all exhibits and proposed findings of fact, conclusions of law, and decision together with all exceptions and replies to exceptions, shall be submitted to the head of the displacing agency. Upon receipt of the entire record, the head of the displacing agency, in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact, conclusions of law, and decision, and shall issue the final decision and order of the displacing agency. Such decision and order shall be made promptly after receipt of the entire record. If the full relief requested is not granted, the agency shall advise the person of the person's right to seek judicial review.

(16) ~~Official to review appeal:~~ The official conducting a review of an appeal shall not have been directly involved in the action appealed and shall be either the head of the agency, that person's authorized designee, or as otherwise required by applicable law.) (6) Hearing process: Except

as they may be inconsistent with the rules of this chapter, the department of transportation adopts the practice and procedure rules as set forth in chapter 468-10 WAC for appeals under this chapter. Where the rules of this chapter conflict with those of chapter 468-10 or 10-08 WAC, the rules of this chapter shall govern.

(7) Discovery: Discovery will be available in relocation appeals as follows: Any party to a relocation appeal may obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at CR 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in this section.

**WSR 94-12-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**  
 [Filed May 31, 1994, 1:10 p.m.]

Original Notice.  
 Title of Rule: WAC 67-35-230 Department responsibility—Maintained facility.

Purpose: Change terms of deductible, revise title.  
 Statutory Authority for Adoption: Chapter 74.18 RCW.  
 Summary: WAC 67-35-230, terms of deductible now \$200 per repair, title revised to more accurately reflect content of the WAC.

Reasons Supporting Proposal: Approval of vendors committee, agency advisory council.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bonnie Jindra, Olympia, Department of Services for the Blind, 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 67-35-230 Department responsibility—Maintained facility, outlines departmental and vendor responsibilities to maintain facilities operated by blind vendors in good order. The changes will increase the deductible which the vendors pay on repair bills so as to increase their own independence/self-reliance. The new title, "Department and vendor responsibility—Maintained facility and equipment," clarifies the purpose of this WAC.

Proposal does not change existing rules.  
 No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Services for the Blind, 521 East Legion Way, Olympia, WA 98504-0933, on July 11, 1994, at 9:30 a.m.

Submit Written Comments to: Bonnie Jindra, P.O. Box 40933, Olympia, WA 98504, by June 25, 1994.

Date of Intended Adoption: July 15, 1994.  
 May 26, 1994  
 Bonnie Jindra  
 Assistant Director



**AMENDATORY SECTION** (Amending Order 86-2, filed 3/21/86)

**WAC 67-35-230 Department and vendor responsibility—Maintained facility and equipment.** (1) The department will, within program resources, maintain or cause to be maintained each facility in good repair and attractive condition. The department will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment.

(2) Vendors shall pay repair charges for each separate repair job on vending facility equipment of ~~((one))~~ two hundred dollars or ten percent of the cost of repair, whichever is greater. For purposes of this subsection, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.

(3) When a vendor takes over the operation of a vending facility, the department will within program resources, pay for all repair charges during the first six months and the ~~((one))~~ two hundred dollars or ten percent deduction will not apply.

(4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (2) and (3) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(5) For purposes of this section, vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.

**WSR 94-12-076**

**WITHDRAWAL OF PROPOSED RULES  
FOREST PRACTICES BOARD**

(By the Code Reviser's Office)

[Filed May 31, 1994, 2:00 p.m.]

WAC 222-16-010 and 222-16-080, proposed by the Forest Practices Board in WSR 93-23-048, appearing in issue 93-23 of the State Register, which was distributed on December 1, 1993, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 94-12-077**

**WITHDRAWAL OF PROPOSED RULES  
OFFICE OF  
INSURANCE COMMISSIONER**

[Filed May 31, 1994, 4:20 p.m.]

Pursuant to RCW 34.05.335, the Insurance Commissioner hereby withdraws her original notice for proposed rules entitled "Life and disability reinsurance agreements," filed

with the code reviser's office as WSR 94-05-089 on February 15, 1994, WSR 94-08-013 on March 28, 1994, and WSR 94-10-024 on April 27, 1994.

Rich Nafziger  
Deputy Commissioner  
for Deborah Senn  
Insurance Commissioner

**WSR 94-12-078**

**PROPOSED RULES**

**HEALTH SERVICES COMMISSION**

[Filed June 1, 1994, 9:36 a.m.]

Original Notice.

Title of Rule: Antitrust immunity and competitive oversight procedural rules.

Purpose: The purpose of these new rules is to set forth the form and manner of written petitions and requests for informal opinions submitted to the commission pursuant to RCW 43.72.310 Competitive oversight and antitrust immunity. The rules also set forth an adjudicative hearing process for reviewing written petitions.

Statutory Authority for Adoption: RCW 43.72.040(3), 43.72.310.

Statute Being Implemented: RCW 43.72.310.

Summary: Creates a new chapter in Title 245 WAC to implement RCW 43.72.310. Sets forth the form and manner of written petitions and requests for informal opinions authorized by that statute. Also, sets forth an adjudicative process for reviewing written petitions.

Reasons Supporting Proposal: These administrative procedures are necessary to implement RCW 43.72.310 and to give affected parties a mechanism for taking action authorized therein.

Name of Agency Personnel Responsible for Drafting: Carol Smith, Assistant Attorney General, 905 Plum Street, Building #3, Olympia, WA 98504, 753-4556; Implementation and Enforcement: Tom Hilyard, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, 407-0041.

Name of Proponent: Washington Health Services Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule making creates a new chapter in Title 245 WAC for the purpose of implementing RCW 43.72.310 Competitive oversight and antitrust immunity. It sets forth the required form and manner of written petitions and requests for informal opinions authorized by that statute, as well as establishing an adjudicative hearing process for review of the written petitions. The rules are necessary to give affected parties a mechanism for submitting a written petition or request for informal opinion from the commission.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: On Thursday, July 28, 1994, at 4:00 p.m., Room 100, Arntzen Hall, Western Washington University, Bellingham, Washington; on Thursday, September 8,

1994, at 4:00 p.m., Red Lion Inn, 1507 North 1st Street, Yakima, WA; and on Monday, September 12, 1994, at 5:00 p.m., Conference Center, Providence Medical Center, 500 17th Avenue (and Jefferson Street), Seattle, WA.

Submit Written Comments to: Randy Revelle, P.O. Box 41185, Olympia, WA 98504, by July 15, 1994.

Date of Intended Adoption: September 22, 1994.

May 31, 1994

Bernadene Dochnahl  
Chair

**WASHINGTON HEALTH SERVICES COMMISSION**

Washington Administrative Code (WAC)  
Chapter 245-02

**ANTITRUST IMMUNITY AND COMPETITIVE  
OVERSIGHT**

**Procedural Rules**

NEW SECTION

**WAC 245-02-100 Purpose.** The purpose of WAC 245-02-110 through WAC 245-02-175 is to implement RCW 43.72.310 by setting forth the form and procedure for: (1) requests for informal opinions from the attorney general as to whether particular conduct is authorized by the ACT, and (2) written petitions to the commission requesting approval of conduct that could tend to lessen competition in a relevant market.

NEW SECTION

**WAC 245-02-110 Form of petition and request for informal opinion.** A petition, request for informal opinion, or request for adjudicatory proceeding shall adhere generally to the following form:

(1) At the top of the page shall appear the wording "before the Washington Health Services Commission." On the left side of the page, below the foregoing, the following caption shall be set out "In the Matter of [name of applicant]." Opposite the foregoing caption shall appear the words "petition," or "request for informal opinion," or "request for adjudicatory proceeding," whichever is applicable.

(2) The materials required by WAC 245-02-115 through WAC 245-02-125 shall be attached to the foregoing.

(3) The petition or request shall be signed and dated by the entity named in the first paragraph, or by its attorney. The original and ten (10) copies shall be filed with the commission as described in WAC 245-02-130.

(4) Information required by this chapter may be submitted in hard copy or in machine readable form:

(a) If hard copy, documents shall be submitted and organized by request;

(b) If in machine readable form, the data should comply with specifications acceptable to the commission and attorney general, which will be provided upon request.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 245-02-115 Contents of requests for informal opinions and written petitions.** The following information shall accompany any written petition or request for informal opinion submitted to the commission:

(1) **Identification of parties.** Identify all parties to the proposal, and their parent entities, and for each one state:

(a) The name(s) under which it is doing business, or proposes to do business, in Washington;

(b) Its business address(es);

(c) Its type of business organization (for example, corporation, sole proprietorship, partnership, or association);

(d) A brief description of the nature or type of business conducted at each of its business locations within the state of Washington; and

(e) The person to whom questions regarding the request or petition should be directed.

(2) **Nature and description of proposal.** State or describe:

(a) The nature and type of transaction (for example, joint venture, acquisition, or merger)

(b) The business(es) involved or affected;

(c) The products and services involved or affected;

(d) The scheduled timeline, including expected dates of any major events required to consummate the proposed activity;

(e) The geographic area(s) in which business will be conducted;

(f) Whether the same products or services as those listed in (c), above, are currently offered within thirty (30) miles of the geographic area(s) identified in (e), above, and if so, by whom; and

(g) A general description of any anticipated impact of the proposal on competition;

(3) **Simultaneous review.** Identify any other state or federal agency reviewing the proposal and state the date on which each review was requested.

(4) Description of how conduct will meet the goals of health care reform. Describe in narrative form how the proposal will:

(a) Enhance the quality of health services to consumers;

(b) Gain cost efficiency in the provision of health services;

(c) Improve utilization of health services and equipment;

(d) Avoid duplication of health services resources;

(e) Facilitate the exchange of information relating to performance expectations;

(f) Simplify the development of comprehensive, integrated, and cost-effective health services delivery systems;

(g) Reduce competition among certified health plans, health care providers, or health care facilities; and

(h) Have an impact on the quality, availability, or price of health services to consumers.

NEW SECTION

**WAC 245-02-120 Continuing oversight and reporting requirements.** Written petitions must include, in narrative form, a description of the nature of the continued supervision and oversight the parties' believe would be necessary and appropriate to ensure the proposal continues to be consistent with the petition and that its benefits

continue to outweigh its disadvantages. The description shall include a recommendation for the form of annual or more frequent progress reports appropriate to the transaction and sufficient to allow the commission and attorney general to evaluate the continuing conduct.

#### NEW SECTION

**WAC 245-02-125 Additional information.** An applicant shall submit additional relevant information it believes is sufficient to support its petition or request for an informal opinion. The commission or attorney general may require the submission of additional information as may be required to complete the analysis necessary to form an opinion or respond to a written petition. Depending on the size, scope and nature of the proposed transaction, the material may include some or all of the following:

- (1) Contracts, agreements, correspondence, corporate minutes, memoranda, or other documents describing the proposal;
- (2) Financial statements for the parties to the proposal for the most recent fiscal year;
- (3) Documents filed with any other state or federal agency with respect to the proposal;
- (4) Plans, studies, or reports prepared in anticipation of the proposal;
- (5) The parties' and their parent organizations' articles of incorporation, bylaws, and documents sufficient to identify the names of the parties' board of directors, owners, and officers; and
- (6) Advertisements, brochures, or other publications used for marketing the parties' products or services within the state of Washington during the last fiscal year.

If the proposal includes collaboration between parties, including but not limited to mergers or joint ventures, the commission or the attorney general may request some or all of the following additional information depending on the size, scope, and nature of the proposed transaction:

- (1) Each participant's contribution of capital, equipment, or other value to the transaction;
- (2) Each participant's ownership interest and its expected consideration or return from the proposal;
- (3) Each participant's nonmonetary involvement in the arrangement;
- (4) The market share of each participant in the proposed collaborative effort, for each of the products sold by that participant, identifying the relevant geographic market; and
- (5) A statement describing whether arrangements less restrictive to competition would achieve the same or similar benefits as those described in response to section (4) above.

If the proposal is for the merger of acute care inpatient hospitals, the commission or the attorney general may request some or all of the following additional information for the three years prior to the proposed merger, depending on the size, scope, or nature of the proposed merger:

- (1) Data reported to the Comprehensive Hospital Abstract Reporting System (CHARS), in computerized form if possible;
- (2) Copies of the parties' responses to the American Hospital Association's Annual Hospital Survey;
- (3) Identify the ten (10) largest purchasers of hospital services for each hospital; and

- (4) The average number of licensed, staffed, and occupied beds for each year.

#### NEW SECTION

**WAC 245-02-130 Submission of information.** (1) The applicant requesting an informal opinion or submitting a written petition shall direct the request or written petition to the Chair of the Commission at the Washington Health Services Commission, P.O. Box 41185, Olympia, Washington 98504-1185. Upon receipt of an informal opinion request or written petition, the commission will send a copy of the request or written petition to the Office of the Attorney General, Antitrust Section, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

- (2) Each petition and request for informal opinion shall contain a certificate from each person submitting information stating that the information submitted is true and accurate to the best of that person's knowledge.

#### NEW SECTION

**WAC 245-02-135 Commission to provide copy of informal opinion to applicant.** Within five (5) days of receipt of an attorney general's informal opinion requested by the commission under RCW 43.72.310(1), the commission shall mail a copy of the informal opinion to the requesting applicant.

#### NEW SECTION

**WAC 245-02-140 Attorney general to provide informal opinion and advice on petitions to the commission.** As required by RCW 43.72.310(1), the attorney general will respond to a request for an informal opinion, or for advice regarding a written petition. The attorney general shall have discretion over the scope of the informal opinion or advice provided.

- (1) An informal opinion rendered by the attorney general pursuant to RCW 43.72.310(1) will include the following:

- (a) A statement of the facts relied upon in the opinion;
- (b) A statement of the issues presented by the applicant;
- (c) The attorney general's analysis; and
- (d) The attorney general's conclusion as to whether the proposed conduct is authorized by RCW 43.72.

- (2) If the attorney general concludes that the proposed conduct is authorized, the informal opinion will include the following, taking into account the size, scope, and nature of the proposed conduct;

(a) A general description of the nature of the continued supervision and oversight the attorney general believes is necessary and appropriate to ensure the proposal continues to be authorized by RCW 43.72 and that its benefits continue to outweigh its disadvantages;

(b) A general description of the form of annual, or more frequent, progress reports the attorney general believes is appropriate to the transaction and sufficient to allow the commission and the attorney general to evaluate the continuing conduct; and

(c) An indication of the types of data the attorney general believes are necessary to evaluate continuing conduct.

(3) The informal opinion, and any written advice provided to the commission regarding a written petition, should include an explanation of when and under what conditions the attorney general would commit not to file an antitrust enforcement action if the informal opinion concludes that the proposed conduct is authorized, or if the commission approves the petition.

NEW SECTION

**WAC 245-02-145 Applicant may request an adjudicative proceeding or file a petition.** An applicant may request an adjudicative proceeding in the following circumstances:

(1) Where the applicant has received an informal opinion pursuant to RCW 43.72.310 and within thirty (30) days of the applicant's receipt of the opinion, the applicant requests an adjudicatory proceeding to determine whether the proposed conduct should be authorized pursuant to RCW 43.72.310 (2)(a) because it is likely to achieve the policy goals of RCW 43.72 and a more competitive alternative is impractical;

(2) If the attorney general concludes in its informal opinion that the conduct proposed is not authorized by RCW 43.72, the requesting applicant shall have thirty (30) days from the date of receipt of the informal opinion from the commission to file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market pursuant to RCW 43.72.310(3). The petition shall constitute an application for an adjudicatory proceeding under RCW 34.05.413; or

(3) Pursuant to RCW 43.72.310(3) an applicant may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market regardless of whether it has previously sought an informal opinion. The petition shall constitute an application for an adjudicatory proceeding under RCW 34.05.413.

NEW SECTION

**WAC 245-02-150 Decision not to conduct an adjudication.** If the commission decides not to conduct an adjudicative proceeding in response to an application, the commission shall furnish the applicant a copy of its decision in writing, with a brief statement of the commission's reasons and of any administrative review available to the applicant.

NEW SECTION

**WAC 245-02-155 Adjudicative proceeding—Rules of procedure.** An application for an adjudicative proceeding shall be accompanied by all of the information required for requests for informal opinions and written petitions, as described in WAC 245-02-115 to 245-02-125. The applicant may incorporate by reference any materials previously provided to the commission or attorney general. Except as set forth in WAC 245-02-160 through WAC 245-02-175, the commission adopts for its use the Model Rules of Procedure set forth in chapter 10-08 WAC.

NEW SECTION

**WAC 245-02-160 Adjudicative proceedings—Notice of hearing.** (1) Within thirty (30) days of receipt of an application for adjudicative proceeding or petition, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding or petition, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(2) Within sixty (60) days after receipt of the application, the commission shall commence an adjudicative proceeding by serving notice of hearing on the applicant and all other persons required by RCW 34.05.434; RCW 34.05.417 (1)(b), or decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

NEW SECTION

**WAC 245-02-165 Presiding officer.** The determination of the presiding officer for an adjudicative proceeding before the commission shall be governed by RCW 34.05.425.

NEW SECTION

**WAC 245-02-170 Commission to retain jurisdiction.** A grant or denial of authority to engage in proposed conduct shall be deemed a final order of the commission. Where authorization is granted, the commission shall retain jurisdiction over the applicant for purposes of continuing oversight and supervision as required by RCW 43.72.310(6).

NEW SECTION

**WAC 245-02-175 Adjudicative proceedings—Reconsideration.** A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission.

NEW SECTION

**WAC 245-02-180 Notice of modification or withdrawal of authorization.** If at anytime during its ongoing supervision of authorized conduct pursuant to RCW 43.72.310(6), the commission determines that reason exists to revoke or modify its authorization, the commission shall immediately notify the applicant in writing. An applicant may request an adjudicative proceeding within thirty (30) days of receipt of the notice. If no adjudicative hearing is requested by the applicant within thirty (30) days of receipt of the notice, the commission shall immediately revoke or modify its authorization.

**WSR 94-12-079**  
**PROPOSED RULES**  
**HEALTH SERVICES COMMISSION**

[Filed June 1, 1994, 9:41 a.m.]

Supplemental Notice to WSR 94-10-085.

Title of Rule: Provider selection, termination, and dispute resolution.

Purpose: To schedule an additional public hearing in Seattle. The original public hearing will be held in Spokane as originally scheduled.

Name of Proponent: Washington Health Services Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Original Hearing: City Council Chambers, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA, on Friday, June 24, 1994, at 4:00 p.m. Additional Hearing: Conference Center, Providence Medical Center, 500 17th Avenue, Seattle, WA, on Tuesday, June 28, 1994, at 6:00 p.m.

Submit Written Comments to: Randy Revelle, P.O. Box 41185, Olympia, WA 98504-1185, by June 10, 1994.

Date of Intended Adoption: July 28, 1994.

June 1, 1994

Bernadene Dochnahl  
Chair

#### WSR 94-12-080

#### PREPROPOSAL COMMENTS

#### HEALTH SERVICES COMMISSION

[Filed June 1, 1994, 9:44 a.m.]

Subject of Possible Rule Making: Pursuant to RCW 43.72.070, the Quality Improvement Advisory Committee of the Washington Health Services Commission is responsible for recommending to the commission standards for the certification of all suppliers. The commission is requesting public comments on the committee's recommended approaches to supplier certification which focus on quality standards for certified health plans. Under the committee's proposal, the state would develop a partnership agreement between the state and one or more external review organizations such as the National Committee for Quality Assurance (NCQA). New and existing certified health plans would be required to meet NCQA standards within a few years.

The Washington Health Services Act of 1993 requires all suppliers of health services to be certified by July 1, 1996, in order to provide services included in the uniform benefits package. The intent of this section of the act is "to ensure the highest quality health services at the lowest total cost." Suppliers include all health care providers, health care facilities, and their agents. Under RCW 43.72.070, the Quality Improvement Advisory Committee of the Washington Health Services Commission is responsible for recommending to the commission standards for the certification of all suppliers. The committee has developed a recommended approach to supplier certification after considering several options, and the commission is seeking public comments on the committee's approach.

The committee's recommendations are guided by quality principles developed by the committee and by the following goals:

- (1) Guarantee access to quality health care;
- (2) Develop a continuous quality improvement process in all certified health plans;
- (3) Maintain or improve the effectiveness of care and outcomes;
- (4) Improve coordination and integration of care;
- (5) Maintain or reduce costs while improving access to care; and
- (6) Ensure that certified health plans are focused on providing the best care to their members.

The committee's approach to supplier certification is to focus accountability on the certified health plans rather than on each supplier of services. The committee is recommending that Washington state use existing external standards wherever possible rather than create new standards. Plans currently must meet variable standards from Medicaid, Medicare, and private industry. Many large national employers, including Xerox, GTE, and General Motors, are requiring health plans to be accredited by the National Committee for Quality Assurance.

The supplier certification standards should be consistent with quality management and continuous quality improvement principles, and they should support best practices rather than define a minimum level of performance. The standards should also encourage collaboration rather than competition in achieving quality care. Suppliers used by plans would also be certified under the applicable laws of the state of Washington. If there is no provision for licensure, certification, or registration, the supplier should maintain national accreditation or certification, where available. Plans must document the certification of its suppliers, and all suppliers must participate in the quality improvement programs of the plans.

The Health Services Commission is requesting public comments on the Quality Improvement Advisory Committee's recommended approaches to quality standards for certified health plans:

(1) The state would develop a partnership agreement between the state and a quality review organization (QRO). The most likely QRO under this option is the National Committee for Quality Assurance (NCQA). New and existing certified health plans would meet NCQA standards within a few years.

(2) The state would develop a partnership between the state and several accreditation organizations selected by the commission. Plans could meet the standards of one of the organizations within several years.

In particular, the commission is seeking responses to the following questions:

(1) Are the standards used by the NCQA appropriate standards for certified health plans?

(2) Would the NCQA standards allow for a variety of plan designs to exist in Washington state?

(3) Are there standards used by other review or accreditation organizations that would provide an appropriate level of quality assurance to the system?

(4) Should the commission require plans to develop a quality improvement plan prior to certification that demonstrates how the plan will meet the standards of the quality review organization?

(5) What are the minimum quality standards that should be met prior to plans being certified?

(6) Is four years an appropriate amount of time for plans to meet the standards?

The commission is also interested in knowing if plans are currently accredited, pursuing accreditation, or preparing for accreditation by NCQA or another accreditation body.

Persons may Comment on this Subject in the Following Ways: Interested parties are encouraged to comment in writing to Randy Revelle, Director, Washington Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by Wednesday, June 29, 1994.

June 1, 1994  
Bernadene Dochnahl  
Chair

**WSR 94-12-081**  
**PROPOSED RULES**  
**HEALTH SERVICES COMMISSION**

[Filed June 1, 1994, 9:50 a.m.]

Original Notice.

Title of Rule: Antitrust immunity and competitive oversight substantive rules.

Purpose: The purpose of WAC 245-02-010 through 245-02-090 is to establish the substantive framework for applying antitrust laws in the state of Washington in the context of health care reform.

Statutory Authority for Adoption: RCW 43.72.310.

Statute Being Implemented: RCW 43.72.310.

Summary: The proposed rules set forth a general policy statement concerning antitrust immunity and competitive oversight; and specific policy statements concerning cooperative activities, provider and facility contracts with certified health plans in highly concentrated markets, consumer access to local health services in rural areas, collective negotiations, and the use of "most favored nations" and exclusive dealing clauses.

Reasons Supporting Proposal: In order to provide an appropriate framework for use of the state action doctrine in the context of applying federal antitrust laws, it is necessary to set forth the specific framework for granting antitrust immunity.

Name of Agency Personnel Responsible for Drafting: Carol A. Smith, Assistant Attorney General, 905 Plum Street, Building, #3, Olympia, WA 98504, 753-4556; Implementation and Enforcement: Tom Hilyard, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, 407-0041.

Name of Proponent: Washington Health Services Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules set forth the framework for the health care industry to ascertain what is appropriate conduct in the context of applying the antitrust laws in highly concentrated and rural markets. They also set forth policy guidance concerning cooperative activities and the use of the exclusive dealing clauses. Finally, the proposed rules prohibit the use of "most favored nations" clauses in con-

tracts between a health care provider facility and a certified health plan.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: On Thursday, July 28, 1994, at 4:00 p.m., Room 100, Arntzen Hall, Western Washington University, Bellingham, Washington; on Thursday, September 8, 1994, at 4:00 p.m., Red Lion Inn, 1507 North 1st Street, Yakima, WA; and on Monday, September 12, 1994, 5:00 p.m., Conference Center, Providence Medical Center, 500 17th Avenue (and Jefferson Street), Seattle, WA.

Submit Written Comments to: Randy Revelle, P.O. Box 41185, Olympia, WA 98504, by July 15, 1994.

Date of Intended Adoption: September 22, 1994.

May 31, 1994  
Bernadene Dochnahl  
Chair

**WASHINGTON HEALTH SERVICES COMMISSION**

Washington Administrative Code (WAC)  
Chapter 245-02

**ANTITRUST IMMUNITY AND COMPETITIVE  
OVERSIGHT**

**Substantive Rules**

NEW SECTION

**WAC 245-02-010 Definitions.** Unless the context requires otherwise, the definitions contained in this section apply throughout this chapter.

(1) "**Attorney General**" means the antitrust section of the Office of the Attorney General.

(2) "**Applicant**" means a certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health services or certified health plans.

(3) "**Parties**" means the natural persons, corporations, or associations involved in the plan or activity which is the subject of the proposal being reviewed.

(4) "**Petition**" means the document that shall be filed with the commission pursuant to RCW 43.72.310(3) by an applicant in order to request approval of conduct that could tend to lessen competition in the relevant market.

(5) "**Proposal**" means the plan or activity that is being reviewed.

(6) "**Request for informal opinion**" means the document that may be filed with the commission pursuant to RCW 43.72.310(1) by an applicant.

(7) "**Exclusive dealing clause**" means a clause in a contract between a certified health plan and a health care provider or facility by which the provider or facility agree not to provide services to another certified health plan.

(8) "**Health care network**" means a group of providers or facilities controlled by the providers or facilities including, but not limited to, physician-hospital organizations and independent practice associations.

(9) "**Most favored nations**" clause means a clause in a contract between a certified health plan and a health care provider or facility by which the provider or facility agrees

they will not charge other plans a lower price than the price charged the plan instituting the clause.

(10) "Rural area" means a geographical area outside the boundaries of Metropolitan Statistical Areas (MSAs) or an area within an MSA, but more than thirty minutes average travel time from an urban area of at least ten thousand population.

#### NEW SECTION

**WAC 245-02-020 General policy statement—Anti-trust immunity and competitive oversight.** (1) The purpose of WAC 245-02-020 through WAC 245-02-090 is to implement provisions of the Act that require the commission to adopt rules governing antitrust immunity, competitive oversight, and conduct of certified health plans, health care providers, and health care facilities. The provisions of these rules shall be strictly construed. Whenever there is doubt as to the meaning of these rules or as to their applicability to particular conduct or circumstances, these rules shall be interpreted in a manner consistent with existing antitrust law principles of this state and of the federal government, including final orders of the Federal Trade Commission and final decisions of the federal courts interpreting the various federal antitrust statutes.

(2) Unless explicitly permitted under this chapter or pursuant to a petition approved in accordance with the provisions of RCW 43.72.310 (3) and (4), nothing in these rules shall be deemed or interpreted to permit activities or to grant immunity for those activities prohibited under RCW 43.72.300(3) or any other activity which would constitute a per se violation of state or federal antitrust laws.

#### NEW SECTION

**WAC 245-02-025 Scope and applicability.** The provisions of this chapter shall govern contracts and conduct among health care providers, health care facilities, and certified health plans entered into or renewed on and after December 1, 1994.

#### NEW SECTION

**WAC 245-02-030 Cooperative activities—Policy statement.** The commission recognizes that reforms in the health system will occur through the development of comprehensive, integrated, and cost-effective health services delivery systems. Because the health services market place is evolving in anticipation of changes required by the Act, it would not be appropriate to establish with precision specific areas where cooperative activities are entitled to immunity from antitrust laws. Pursuant to RCW 34.05.023, the commission therefore adopts as an interim policy statement the *Statements of Antitrust Enforcement Policy in the Health Care Area* issued by the U.S. Department of Justice and the Federal Trade Commission on September 15, 1993. These six policy statements address: (1) hospital mergers; (2) hospital joint ventures involving high technology or other expensive medical equipment; (3) physicians' provision of information to purchasers of health services; (4) hospital participation in exchange of pricing cost information; (5) joint purchasing arrangements among health care providers; and (6) physician network joint ventures.

#### NEW SECTION

**WAC 245-02-040 Provider and facility contracts with certified health plans in highly concentrated markets—Policy statement—Standards.** (1) The Act directs the commission to balance the goals of fostering competition among health care providers, facilities, and certified health plans and of containing the cost of health services while preserving quality services. A lack of competition in highly concentrated markets may prevent attainment of the goal of cost containment that preserves quality health services.

The commission finds that certified health plan and health care network monopoly power may be inferred from a market share of seventy percent (70%) or more and that this level of concentration requires rules that will prevent the exercise of market power to the detriment of consumer access to quality health services.

For certified health plans who have enrolled seventy percent (70%) or more of the purchasers of the plan's uniform benefits package within the relevant geographic service area of the plan, the plan's exclusion of health care providers from participation in the health service programs of the plan may result in the substantial inability of these providers to continue their practice, thereby unreasonably restricting consumer access to needed health services.

For health care networks that have contractual or other participation arrangements with seventy percent (70%) or more of particular health care providers or facilities within the relevant geographic service area of the network, the network's exclusion of health care providers or facilities from participation in the network may result in the substantial inability of these excluded providers or facilities to continue their practice or services, thereby unreasonably restricting consumer access to needed health services. Alternatively, such a network could exercise market power in a manner that results in the inability of a certified health plan to effectively create an efficient managed care network.

A determination of the level of concentration for purposes of application of this section will depend upon a determination of the relevant health service and geographic market of the plan or network. For example, a network with seventy-five percent (75%) of primary care physicians within the relevant market participating in the network, and but less than seventy percent (70%) of surgeons within the relevant market would be prohibited from excluding additional primary care providers since the level of concentration of primary care providers in the network exceeds seventy percent (70%).

Whenever there is doubt under particular circumstances as to the definition of the relevant market for purposes of application of this section, the commission will rely upon advice provided by the attorney general. Nothing contained in this section shall be deemed to limit or supplant findings or actions by the attorney general pursuant to RCW 48.43.170(3) concerning market power of certified health plans.

(2) Notwithstanding the provisions of WAC Chapter 245-04, a certified health plan whose share of the market for the uniform benefits package within the relevant geographic market of the plan exceeds seventy percent (70%) must permit every health care provider and facility within that

concentrated geographic market to participate in programs of the plan to provide health services for conditions included in the uniform benefits package to the extent that:

(a) The provision of health services is within the health care provider's or facility's permitted scope of practice and the provider or facility meets the plan's professional certification standards that are applied to other similarly situated providers and facilities participating in programs of the plan;

(b) The provider or facility agrees to abide by the plan's standards related to utilization review and cost containment of health services;

(c) The provider or facility agrees to abide by the plan's management and administrative procedures; and

(d) The provider or facility agrees to abide by the plan's standards for cost-effective and clinically efficacious health service delivery.

Certified health plans required to permit providers and facilities to participate in the plan's programs under this section may not discourage such participation by adopting or imposing discriminatory terms, conditions, or reimbursement policies when compared to similarly situated providers and facilities already participating in programs of the plan.

A certified health plan covering enrollees in such concentrated market need not permit all qualified health care providers or facilities to participate in the plan's programs if the plan can demonstrate to the satisfaction of the attorney general and the commission that health services utilization data and similar information shows that the inclusion of additional health care providers would substantially lessen the plan's ability to control health services costs, the plan meets commission standards for adequate managed care networks, and the plan's procedures for selection of providers are not improperly exclusive of providers and facilities.

(3) A health care network comprising more than seventy percent (70%) of the providers or facilities within the relevant market for health services may not exclude a provider or facility of the type concentrated in the network to the extent:

(a) The provider or facility meets essential credentialing and other certification standards established by the network for other similarly situated providers or facilities participating in the network;

(b) The provider or facility agrees to abide by the network's standards related to utilization review and cost containment of health services;

(c) The provider or facility agrees to abide by the network's management and administrative procedures; and

(d) The provider or facility agrees to abide by the network's standards for cost-effective and clinically efficacious health service delivery.

Health care networks prohibited from excluding providers and facilities from participation in the network under this section may not discourage such participation by adopting or imposing discriminatory terms, conditions, or compensation policies when compared to similarly situated providers and facilities already participating in the network.

(4) In a geographic market served by a single hospital or health care network comprising more than seventy percent (70%) of the relevant market for health services, the hospital or health care network in that concentrated geographic market may not refuse to participate in programs of any certified health plan operating in that market area to the

extent the certified health plan meets the terms and conditions of any other plan with whom the hospital or health care network holds a contract. If the plan is unwilling to meet such terms and conditions, the hospital or health care network need not contract with that plan.

(5) The provisions of this section are intended to impose requirements on certified health plans and health care networks with high levels of market concentration that comply with existing antitrust laws. Nothing contained in this section shall be deemed to authorize the levels of market concentration addressed in this section.

NEW SECTION

**WAC 245-02-050 Consumer access to local health services in rural areas—Policy statement—Provider contracts.**

(1) A fundamental purpose of the Act is to ensure that state residents are able to choose health services from the full range of health care providers in a manner consistent with good health services management, quality assurance, and cost containment. Residents in rural areas often face shortages of qualified providers and facilities. As part of state efforts to encourage the development of health care capacity in rural areas and ensure access to the full range of providers, the Act directed the commission to adopt rules ensuring consumer access to local health services in rural areas.

The commission intends to: (a) prohibit certified health plan and health care network operations, procedures, and decisions that have the effect of discouraging the development of necessary health services capacity in rural areas and (b) require certified health plans and health care networks to develop procedures that retain existing health services capacity in rural areas to the extent the capacity is necessary to meet the regular and ongoing health service needs of the local population.

It is not the intent of the commission to foster the development or continued presence of unnecessary, inefficient, or inferior health services capacity in rural areas. To that end, the commission will consider health reform objectives of quality improvement, public health improvement, and cost containment in determining whether a certified health plan has violated provisions of this section.

(2) Irrespective of market share and notwithstanding the provisions of WAC Chapter 245-04, a certified health plan covering enrollees in a rural area must permit every health care provider and facility within the rural service area of the plan to participate in programs of the plan to provide health services for conditions included in the uniform benefits package to the extent that:

(a) The provision of the health services is within the health care provider's or facility's permitted scope of practice and the provider or facility meets the plan's professional certification standards that are applied to other similarly situated providers and facilities participating in programs of the plan;

(b) The provider or facility agrees to abide by the plan's standards related to utilization review and cost containment of health services;

(c) The provider or facility agrees to abide by the plan's management and administrative procedures; and



(d) The provider or facility agrees to abide by the plan's standards for cost-effective and clinically efficacious health care delivery.

Certified health plans required to permit providers and facilities to participate in the plan's programs may not discourage participation by adopting or imposing discriminatory terms, conditions, or reimbursement policies among similarly situated providers and facilities.

(3) Notwithstanding other provisions of this section:

(a) A certified health plan covering enrollees in a rural area need not permit all qualified health care providers or facilities to participate in the programs of the plan if the plan can demonstrate that local access to the type of health service offered by the excluded provider or facility is unnecessary to meet the regular and ongoing needs of local residents. For example, local access to primary care is necessary to meet the regular and ongoing needs of local residents.

(b) A certified health plan covering enrollees in a rural area need not permit all qualified health care providers or facilities to participate in the programs of the plan if the plan can demonstrate to the satisfaction of the attorney general and the commission that health service utilization data and similar information shows that the inclusion of additional providers and facilities would substantially lessen the plan's ability to control health care costs and the plan's procedures for selection of providers and facilities adequately ensure local access to necessary local health services.

#### NEW SECTION

**WAC 245-02-060 Consumer access to local health services in rural areas—Health care networks.** An applicant in a rural area may petition the commission for approval of managed health care finance and delivery systems in rural areas that may violate existing antitrust law principles but preserve local access to necessary health services in rural areas. Such petitions in addition to the requirements set forth in WAC 245-02-115, et seq. shall include information demonstrating that the proposed system: (a) has been developed through a community-based process that takes into consideration the concerns of local residents, health care providers, public and private health care facilities, local community organizations, and appropriate state agency health planning organizations located in or with responsibility for health services in rural areas, (b) will achieve quality improvements and cost efficiencies over present health service capabilities in the rural area, (c) will result in local access to regular and immediately necessary services required under the uniform benefits package, and (d) will combine health service delivery and financing. Nothing contained in this section shall be deemed to relieve an applicant from meeting the requirements imposed by law for registration and certification of certified health plans.

#### NEW SECTION

**WAC 245-02-070 Collective negotiations—Policy statement—Permitted negotiations—Petitions.** (1) The commission finds that collective negotiation by competing health care providers of certain non-fee terms and conditions of contracts with certified health plans may result in procompetitive effects in the absence of any express or

implied threat of retaliatory collective action by health care providers. However, the commission finds little or no procompetitive effects in permitting competing health care providers to collectively negotiate contract terms and conditions relating to the price for provider services. The potential anticompetitive harms arising from collective exchanges of fee-related information by competing providers and collective negotiation by competing providers of the fees to be paid providers by plans far outweigh any potential gains in simplifying provider and plan negotiations, any reduction in transaction costs, and any potential gains in cost-effective health services delivery systems. To the contrary, the commission finds that collective negotiation of fees or other prices for services by competing health care providers creates the potential to thwart the cost containment goals of health reform by enabling health care providers to resist health plan and purchaser pressure to reduce or limit the increase in prices for health services. For these reasons, nothing contained in this section shall be construed to permit health care providers or provider organizations to engage in conduct which would constitute a violation of RCW 43.72.300(3), or per se violations of state or federal antitrust law.

(2) Competing health care providers may meet and communicate for the purposes of collectively providing the commission's Health Services Effectiveness Advisory Committee with information and advice as to practice parameters, quality standards, outcome data relating to particular health care treatments and procedures, and other similar health service delivery standards.

(3) Competing health care providers within the service area of a certified health plan may meet and communicate for the purposes of collectively negotiating the following terms and conditions of contracts with certified health plans:

(a) Respective provider and health plan liability for negligence in the treatment or lack of treatment of health plan enrollees related to plan decisions regarding coverage for particular health services;

(b) Administrative and billing procedures;

(c) Dispute resolution procedures;

(d) Patient referral procedures; and

(e) Claim procedures.

All agreements reached pursuant to collective negotiation by competing health care providers shall be filed with the commission at least thirty (30) days prior to their effective date. The commission may disapprove any agreement during the thirty day waiting period if the commission finds that the benefits of such agreement are outweighed by disadvantages in accordance with the standards set forth in RCW 43.72.310(4). If at any time after the thirty day waiting period the commission finds that an agreement is disadvantageous in accordance with the standards set forth in RCW 43.72.310(6), the commission will issue an order specifying in what respect the commission finds that the agreement fails to meet the standards of RCW 43.72.310, and stating when, within a reasonable period thereafter, the agreement shall be deemed no longer protected by this rule. The order shall not affect any rights or responsibilities subject to such agreement prior to the expiration of the period set forth in the order.

(4) Health care providers may petition the commission for review of terms and conditions common to contracts

between providers and certified health plans that, in the opinion of providers subject to the terms and conditions, grant plans an unfair competitive advantage. Professional provider associations may meet and discuss the terms and conditions for purposes of presenting the commission with a petition for review of the terms and conditions.

(5) Certified health plans may petition the commission for review of joint or collaborative action by providers that, in the opinion of the plans, grant health care providers an unfair competitive advantage. Certified health plans may meet and discuss joint or collaborative actions by providers or provider associations for purposes of petitioning the commission to review them.

#### NEW SECTION

**WAC 245-02-080 "Most favored nations" clauses—Policy statement.** "Most favored nations" clauses may discourage discounting by the affected seller, may facilitate oligopolistic pricing and deter entry by more efficient competitors. "Most favored nations" are often used as a replacement for innovation or efficiency by large competitors and act as a disincentive for creativity by small competitors. The commission finds that the use of "most favored nations" clauses in contracts between a health care provider or facility and a certified health plan create the potential to thwart the cost containment goals of health care reform. For these reasons, the use of "most favored nations" clauses in contracts between a health care provider or facility and a certified health plan are prohibited.

#### NEW SECTION

**WAC 245-02-090 Exclusive dealing clauses—Policy statement.** (1) Exclusive dealing clauses in health care provider and facility contracts with certified health plans may enhance the quality of health services, achieve economic efficiencies, or improve the cost-effective use of health services and equipment. Exclusive dealing clauses may also reduce competition among certified health plans, providers, and facilities when the clauses prevent other competitors from entering the relevant market, thereby increasing the probability of the creation of a monopoly in that market.

(2) A contract between a certified health plan and a health care facility or provider may not contain an exclusive dealing clause if the plan holds more than fifty percent (50%) of the relevant market.

(3) A contract between a certified health plan and a health care facility or provider may contain an exclusive dealing clause if the plan holds twenty percent (20%) or less of the relevant market.

(4) A contract between a certified health plan and a health care facility or provider may contain an exclusive dealing clause if the plan holds between twenty (20%) and fifty percent (50%) of the relevant market and the commission has explicitly permitted its use. To obtain such approval, a plan must request an informal opinion as to use of the clause in the particular circumstances or seek approval by written petition pursuant to the procedures set forth in WAC 245-02-110, et seq.

(5) A contract between a health care network and a health care facility or provider may not contain an exclusive

dealing clause if the health care network holds more than fifty percent (50%) of the relevant market.

(6) A contract between a health care network and a health care facility or provider may contain an exclusive dealing clause if the health care network holds twenty percent (20%) or less of the relevant market.

(7) A contract between a health care network and a health care facility or provider may contain an exclusive dealing clause if the network holds between twenty and fifty percent (50%) of the relevant market and the commission has explicitly permitted its use. To obtain such approval, a network must request an informal opinion as to use of the clause in the particular circumstances or seek approval by written petition pursuant to the procedures set forth in WAC 245-02-110, et seq.

(8) The provisions of this section do not apply to contracts of employment between a certified health plan and health care facilities or providers.

**WSR 94-12-082**  
**PROPOSED RULES**  
**LOTTERY COMMISSION**  
(Filed June 1, 1994, 9:56 a.m.)

Original Notice.

Title of Rule: New sections WAC 315-11A-127 Instant Game Number 127 ("7-11-21"), 315-11A-128 Instant Game Number 128 ("\$2 Big Kahuna"), 315-11A-129 Instant Game Number 129 ("Beat the Dealer") and 315-11A-130 Instant Game Number 130 ("Moolah Moolah"); and amending WAC 315-06-120 Payment of prizes—General provisions, 315-06-130 Prizes payable after death or disability of individual winner, 315-11A-118 Instant Game Number 118 ("Aces Wild"), 315-11A-119 Instant Game Number 119 ("Lots of Bucks"), and 315-11A-120 Instant Game Number 120 ("Lucky Deal").

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 127 (7-11-21), 128 (\$2 Big Kahuna), 129 (Beat the Dealer), and 130 (Moolah Moolah); and to amend WAC 315-06-120, 315-06-130, 315-11A-118, 315-11A-119, and 315-11A-120.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-127, 315-11A-128, 315-11A-129, 315-11A-130, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set

forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-06-120 to eliminate a section allowing for assignment of a prize for the purpose of paying taxes; WAC 315-06-130 to require director's approval before a cashout is granted to an estate, and make changes to bring the rule in harmony with community property principles; WAC 315-11A-118 to change the caption for the "JACK" play symbol; WAC 315-11A-119 to change the name of the game from Big Bucks to Lots of Bucks and to add two more play symbols; and WAC 315-11A-120 to make a change in the prize structure, to add a play symbol and to change a play symbol caption.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on July 8, 1994, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by July 7, 1994.

Date of Intended Adoption: July 8, 1994.

May 31, 1994  
Evelyn P. Yenson  
Director

NEW SECTION

**WAC 315-11A-127 Instant Game Number 127 ("7-11-21"). (1) Definitions for Instant Game Number 127.**

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "7," "9," "11," and "21." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 127, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR

5	FIV
6	SIX
7	SVN
9	NIN
11	ELV
21	TTN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$7.00," "\$10.00," "\$20.00," "\$70.00," and "\$2,100." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 127, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 70.00	\$\$SVNTY\$
\$ 2,100	TTNHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 12700001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 127 constitute the "pack number" which starts at 12700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 127, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
THR	\$ 3.00 (\$2 AND \$1; \$1, \$1 AND \$1)
SVN	\$ 7.00 (\$3, \$2, \$1 AND \$1; \$7)
ELV	\$ 11.00 (\$3, \$3, \$3 AND \$2; \$10 AND \$1)
TTN	\$ 21.00 (\$10, \$7, \$2 AND \$2; \$20 AND \$1)
SVY	\$ 70.00 (\$20, \$20, \$20 AND \$10; \$70)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 127.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 127 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 127; and/or

(ii) Vary the number of tickets sold in Instant Game Number 127 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 127.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 127 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each

of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-128 Instant Game Number 128 ("Big Kahuna"). (1) Definitions for Instant Game Number 128.**

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "7," "8," "9," "10," and "12." One of these play symbols appears in each of the eight play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the eight play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 128, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$8.00," "\$16.00," "\$240.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 128, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL

\$ 16.00	SXT DOL
\$ 240.00	TWOFRTY
\$ 10,000	TENTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 12800001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 128 constitute the "pack number" which starts at 12800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 128, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
TWO	\$ 2.00	(\$1 AND \$1)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1)
SIX	\$ 6.00	(\$1, \$1, \$1, \$1, \$1 AND \$1; \$2, \$2 AND \$2)
TEN	\$ 10.00	(\$2, \$2, \$2, \$2 AND \$2; \$4, \$2, \$2, \$1 AND \$1)
SXT	\$ 16.00	(\$4, \$4, \$2, \$2, \$2 AND \$2; \$8 AND \$8)
FTE	\$ 48.00	(\$8, \$8, \$8, \$8, \$8 AND \$8; \$16, \$16 AND \$16)
TFR	\$240.00	

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 128.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the six play symbols matches exactly one of the two play symbols labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 128 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 128; and/or

(ii) Vary the number of tickets sold in Instant Game Number 128 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 128.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 128 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the eight play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-129 Instant Game Number 129 ("Beat the Dealer"). (1) Definitions for Instant Game Number 129.**

(a) Play symbols: The following are the "play symbols": "7"; "8"; "9"; "10"; "J"; "Q"; and "K." One of these play symbols appears in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and

only one of these captions appears under each play symbol. The number 1, 2 or 3 precedes each play symbol caption to indicate the location of the play symbol in Game (row) 1, Game 2 or Game 3. For Instant Game Number 129, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
7	SVN
8	EGT
9	NIN
10	TEN
J	JCK
Q	QUE
K	KNG

(c) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$5.00"; "\$8.00"; "\$20.00"; "\$70.00"; and "\$7,000." One of these prize symbols appears for each game in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each prize symbol caption to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 129, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 8.00	EGT DOL
\$ 20.00	TWY DOL
\$ 70.00	\$SVNTY\$
\$ 7,000	SVNTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The twelve-digit number of the form 12900001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 129 constitute the "pack number" which starts at 12900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 and less. For Instant Game Number 129, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00

TWO	\$ 2.00	(\$1 AND \$1)
FIV	\$ 5.00	(\$2, \$2 AND \$1; \$5)
EGT	\$ 8.00	(\$4, \$2 AND \$2; \$4 AND \$4)
SXT	\$ 16.00	(\$8 AND \$8)
TWY	\$ 20.00	(\$8, \$8 AND \$4; \$20)
SVY	\$ 70.00	

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 129.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your card" column that is superior to the play symbol in the "dealer's card" column in the same game shall win the prize shown in the prize column for that game. The bearer of a ticket having winning play symbols in more than one game shall win the sum of the prizes in each winning game. Play symbols in different games may not be combined to win a prize.

(c) For purposes of this game, the "K" shall be the play symbol with the highest superiority followed by "Q," "J," "10," "9," "8," and "7" in that order.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 129 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 129; and/or

(ii) Vary the number of tickets sold in Instant Game Number 129 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 129.**

(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 129 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column under the latex covering on the front of the ticket.

(ii) Each of the six play symbols must have a caption below and each must agree with its caption.

(iii) Exactly one prize symbol for each of the three games must appear under the latex covering in the prize column on the front of the ticket.

(iv) Each of the three prize symbols must have a caption below it and each must agree with its caption.

(v) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with

the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(vi) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(vii) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section, each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and (a) of this subsection is invalid and ineligible for any prize.

**NEW SECTION**

**WAC 315-11A-130 Instant Game Number 130 ("Moolah Moolah"). (1) Definitions for Instant Game Number 130.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," and "\$\$." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 130, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
\$\$	DLRS

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$6.00," "\$16.00," "\$50.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and

correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 130, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 16.00	SXT DOL
\$ 50.00	\$FIFTY\$
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 13000001-000 printed on the front of the ticket. The back three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 130 constitute the "pack number" which starts at 13000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 130, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
THR	\$ 3.00 (\$1, \$1 AND \$1; \$3)
SIX	\$ 6.00 (\$3 AND \$3; \$2, \$2, \$1 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$2 AND \$1)
SXT	\$ 16.00 (\$9, \$6 AND \$1; \$16)
FTY	\$ 50.00
ONH	\$100.00 (\$50 AND \$50)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 130.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly one of the play symbols labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has a "\$\$" play symbol shall be entitled to the prize shown below the "\$\$" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 130 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 130; and/or

(ii) Vary the number of tickets sold in Instant Game Number 130 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 130.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 130 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 93-04-004, filed 1/21/93, effective 2/21/93)

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: *Provided*, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit assignment of any right or interest in the claimant and its assets;

(b) Prohibit deletion, amendment, or addition of terms without the director's approval;

(c) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(d) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(e) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.



(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment except:

~~((a))~~ That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees ~~(-or~~

~~(b) For the purposes of paying federal, state or local tax).~~

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending WSR 93-04-004, filed 1/21/93, effective 2/21/93)

**WAC 315-06-130 Prizes payable after death or disability of individual winner.** (1) All prizes or a portion thereof which remain unpaid at the time of an individual prize winner's death shall be payable to the court appointed representative of the prize winner's estate once satisfactory evidence of said representative appointment has been presented to the director, claim forms have been properly filled out, and the director is satisfied that such payment is lawful and proper: Provided, however, That where the prize winner and spouse had entered into any agreement valid under the law of this state or another state which establishes the prize as property to pass to the surviving spouse without probate upon the death of the prize winner, then the prize shall be made payable to the surviving spouse, without the probating of an estate of the deceased.

(2) Prize moneys will be paid according to the law of descent and distribution, chapter 11.04 RCW, of the state of Washington if the winner thereof dies intestate regardless of whether the prize winner was domiciled at the time of the prize winner's death in the state of Washington.

(3) The director may rely wholly on the presentment of certified copies of a court's appointment of an administrator or executor, guardian, conservator or on any other evidence that a person is entitled to the payment of any prize winnings then due.

(4) The payment to the estate of the deceased winner of any prize winnings by the director shall absolve the director, the commission and employees of the commission of any further liability for payment of said prize winnings. The director need not look to the payment of the prize winnings beyond the payee thereof.

(5)(a) Where the party who claimed a prize from the lottery was an individual, and the individual has died, the estate of ((a)) the deceased individual prize winner may ((delete)) petition the lottery director to have the payment of an installment prize accelerated and paid to the estate at the installment prize's present cash value in lieu of receiving continued payments. The director may grant the petition if, in the director's sole discretion, payment of the remaining installments in a single, present cash value payment is in the best interests of the state lottery.

(b) The estate of an individual which has a community property interest in a prize, may petition the lottery director to have the payment of its interest in an installment prize accelerated and paid to the estate at the installment prize's present cash value in lieu of receiving continued payments. The director may grant the petition if, in the director's sole discretion, payment of the remaining installments in a single, present cash value payment is in the best interests of the state lottery. Payment to the surviving spouse of the remaining community property interest shall continue in installments.

(6) The director may petition any court of competent jurisdiction to request a determination for the payments of any prize winnings which are or may become due the estate of a deceased winner or a winner under a disability because of, but not limited to, underage, mental deficiency, or physical or mental incapacity.

(7) If the legatee(s) or heir(s) of a deceased winner entitled to prize winnings obtains an order from a court of competent jurisdiction directing payments due and to become due from the director to be paid directly to said legatee(s) or heir(s) or otherwise directs the director to make payments to another in the event of a winner's disability or otherwise, the director shall pay the prize winnings accordingly after application of that process mandated by RCW 67.70.255 and WAC 315-06-125.

(8) A deceased winner's estate shall be considered to be a winner, and payments thereto shall be governed by WAC 315-06-120.

AMENDATORY SECTION (Amending WSR 94-07-029, filed 3/8/94, effective 4/8/94)

**WAC 315-11A-118 Instant Game Number 118 ("Aces Wild"). (1) Definitions for Instant Game Number 118.**

(a) Play symbols: The following are the "play symbols": "8," "9," "10," "J," "Q," "K," and "A." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning card."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and

only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 118, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
8	EGT
9	NIN
10	TEN
J	((JAE)) JCK
Q	QUE
K	KNG
A	ACE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$7.00," "\$12.00," "\$21.00," "\$40.00," "\$400.00," and "\$4,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning card."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 118, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 7.00	SVN DOL
\$ 12.00	TLV DOL
\$ 21.00	TTN DOL
\$ 40.00	\$FORTY\$
\$ 400.00	FORHUND
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 11800001-1-000 printed on the ((front)) back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 118 constitute the "pack number" which starts at 11800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 118, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
FOR	\$ 4.00 (\$1, \$1, \$1, AND \$1; \$2, \$1, AND \$1)

SVN	\$ 7.00	(\$2, \$2, \$2, AND \$1; \$7)
TLV	\$ 12.00	(\$7, \$2, \$2, AND \$1; \$12)
TTN	\$ 21.00	(\$12, \$7, AND \$2; \$21)
FRY	\$ 40.00	
FRH	\$ 400.00	

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 118.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning card," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has an "A" play symbol shall be entitled to the prize shown below the "A."

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 118 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 118; and/or

(ii) Vary the number of tickets sold in Instant Game Number 118 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 118.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 118 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning card" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font

Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 94-07-029, filed 3/8/94, effective 4/8/94)

**WAC 315-11A-119 Instant Game Number 119** (~~("Big Bucks"))~~ ("**Lots of Bucks**"). (1) **Definitions for Instant Game Number 119.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "7," "8," and "9." One of these play symbols appears in each of the seven play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the seven play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 119, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
<u>7</u>	<u>SVN</u>
<u>8</u>	<u>EGT</u>
9	NIN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$10.00," "\$20.00," "\$50.00," "\$100.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 119, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 50.00	\$FIFTY\$
\$ 100.00	ONEHUND
\$ 10,000	TENTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 11900001-1-000 printed on the ~~(front)~~ back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 119 constitute the "pack number" which starts at 11900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 119, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
TWO	\$ 2.00	(\$1 AND \$1; \$2)
THR	\$ 3.00	(\$1, \$1, AND \$1; \$3)
SIX	\$ 6.00	(\$2, \$2, AND \$2; \$2, \$2, \$1, AND \$1)
TEN	\$ 10.00	(\$2, \$2, \$2, \$2, AND \$2; \$5 AND \$5)
TWY	\$ 20.00	(\$10, \$5, AND \$5; \$10, \$5, \$2, \$2, AND \$1)
FTY	\$ 50.00	
OHN	\$ 100.00	(\$50 AND \$50)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 119.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly one of the two play symbols labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 119 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 119; and/or

(ii) Vary the number of tickets sold in Instant Game Number 119 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 119.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 119 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the seven play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**AMENDATORY SECTION** (Amending WSR 94-07-029, filed 3/8/94, effective 4/8/94)

**WAC 315-11A-120 Instant Game Number 120 ("Lucky Deal"). (1) Definitions for Instant Game Number 120.**

(a) Play symbols: The following are the "play symbols": "7," "8," "9," "10," "J," "Q," and "K." One of these

play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning card."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 120, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
7	SVN
8	EGT
9	NIN
10	TEN
J	((JAC)) JCK
Q	QUE
K	KNG

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$4.00," "\$7.00," "\$14.00," "\$21.00," "\$50.00," "\$500.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning card."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 120, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 4.00	FOR DOL
\$ 7.00	SVN DOL
\$ 14.00	FRN DOL
\$ 21.00	TTN DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND
\$ 5,000	FIVTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 12000001-1-000 printed on the ((front)) back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 120 constitute the "pack number" which starts at 12000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 120, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six

locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
FOR	\$ 4.00 (\$1, \$1, \$1, AND \$1; \$4)
SVN	\$ 7.00 (\$4, \$1, \$1, AND \$1; \$7)
FRN	\$ 14.00 ((( <del>\$7 AND \$7; \$14</del> ))) (\$7, \$4, \$1, \$1 AND \$1; \$14)
TTN	\$ 21.00 (\$14 AND \$7; \$7, \$7, AND \$7; \$21)
FTY	\$ 50.00
FVH	\$ 500.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

**(2) Criteria for Instant Game Number 120.**

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize-winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning card," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 120 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 120; and/or

(ii) Vary the number of tickets sold in Instant Game Number 120 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**(3) Ticket validation requirements for Instant Game Number 120.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 120 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every

respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**WSR 94-12-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed June 1, 1994, 10:15 a.m.]

Original Notice.

Title of Rule: WAC 388-49-550 Monthly allotments.

Purpose: Requires the department to issue a full month's benefit instead of a prorated benefit to any eligible household that reapplies within one calendar month of being off the food stamp program. It limits proration to new applicants and households off the program one or more months.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050 and AN 94-03.

Summary: Requires the department to issue a full month's benefit instead of a prorated benefit to any eligible household that reapplies within one calendar month of being off the food stamp program. It limits proration to new applicants and households off the program one or more months.

Reasons Supporting Proposal: The Mickey Leland Childhood Hunger Relief Act, P.O. 103-66, makes several changes to the food stamp program. Section 13916 of the act requires the department to issue a full month's benefit to eligible households that have been off the program less than one month.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Arnaud, Division of Income Assistance, 438-8322.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, P.L. 103-66, Section 13196.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on July 5, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by June 21, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, WA 98504, TELEFAX 586-8487 or SCAN 321-8487, by June 28, 1994.

Date of Intended Adoption: July 27, 1994.

June 1, 1994  
 Dewey Brock, Chief  
 Office of Vendor Services  
 Administrative Services Division

AMENDATORY SECTION (Amending Order 3656, filed 10/27/93, effective 11/27/93)

**WAC 388-49-550 Monthly allotments.** (1) The department shall determine the value of the allotment a household receives.

(2) The monthly allotment shall equal the thrifty food plan (TFP) for the household size reduced by thirty percent of the household's net income. The department shall use the monthly allotment standards as established by the food and nutrition service.

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	112
2	206
3	295
4	375
5	446
6	535
7	591
8	676
9	761
10	846
Each additional member	+ 85

(3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.

(a) The department shall base the allotment on a thirty-day month.

(b) The department shall not issue an allotment for less than ten dollars.

(4) The department shall issue a full ~~((month))~~ month's allotment to ~~((migrant and seasonal farmworker))~~ households applying within ~~((thirty days after))~~ one calendar month of a prior certification ((ends)) period.

(5) The department shall determine the value of the monthly allotment a household receives by:

(a) Multiplying the household's net monthly income by thirty percent;

(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and

(c) Subtracting the result from the thrifty food plan for the appropriate household size.

(6) One- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household.

**WSR 94-12-085**  
**PREPROPOSAL COMMENTS**  
**SECRETARY OF STATE**  
(Corporations Division)  
[Filed June 1, 1994, 10:30 a.m.]

Subject of Possible Rule Making: Limited liability companies as formed by SSHB 1235 in the 1994 session of the legislature. WACs will include fees as established by the legislation; revision of trademark WACs, placing fees in WAC and rescinding outdated rules; update of limited partnership, chapter 434-55 WAC; and naming conventions.

Persons may comment on this subject in writing to Linda L. Mackintosh, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234, first drafts to be done in month of June, public hearings in August.

Other Information or Comments by Agency at this Time, if any: We would appreciate all comments and concerns as well as requests to be placed on our mailing list for notification of public hearings.

June 1, 1994  
Donald F. Whiting  
Assistant Secretary of State

**WSR 94-12-087**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF HEALTH**  
(State Board of Health)  
[Filed June 1, 1994, 10:34 a.m.]

Subject of Possible Rule Making: Sanitary control of shellfish. A new section will be created in chapter 246-282 WAC to incorporate National Shellfish Sanitation Program (NSSP) compliance standards.

Statutory Authority for Adoption: RCW 69.30.030.

Persons May Comment on this Subject in the Following Ways: Contact Michael Antee of Washington State Department of Health, Office of Shellfish Programs by phone (206) 586-8736 or write to the Office of Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824; and public meeting will be held: July 27, 1994, General Administration Building Auditorium (this state owned facility is barrier free), on July 27, 1994, noon to 2:00 p.m. and 6:00 to 8:00 p.m.

Other Information or Comments by Agency at this Time, if any: Please contact the Office of Shellfish Programs at (206) 753-5992, if any special needs or services are required in attending this public meeting.

June 1, 1994  
Sylvia Beck  
Executive Director

**WSR 94-12-088**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF HEALTH**  
(State Board of Health)  
[Filed June 1, 1994, 10:35 a.m.]

Subject of Possible Rule Making: Complete revision and review of the sanitary control of shellfish, chapter 246-282 WAC.

Statutory Authority for Adoption: RCW 69.30.030 (section 3, chapter 144, Laws of 1955).

Persons may Comment on this Subject in the Following Ways: Contact Michael Antee of the Washington State Department of Health, Office of Shellfish Programs to be included on a mailing list. He can be reached at (206) 586-8736 or write to the Office of Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824; and public workshops and draft review meetings will be announced. A mailing list of interested persons will be created and notified of workshops.

Other Information or Comments by Agency at this Time, if any: This will be a complete rules revision of the sanitary control of shellfish, chapter 246-282 WAC. Several public workshops on specific topics and draft review meetings are being planned. This will be a year to eighteen month process.

June 1, 1994  
Sylvia Beck  
Executive Director

**WSR 94-12-092**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**FACILITIES AUTHORITY**  
[Filed June 1, 1994, 10:58 a.m.]

Original Notice.

Title of Rule: WAC 253-02-040 Description of organization and 253-16-090 Selection of investment banking firms as underwriters.

Purpose: To change address of administrative office; and to change amount of minimum equity capital required of investment banking firms that participate in programs of WHEFA.

Statutory Authority for Adoption: Chapter 28B.07 RCW.

Statute Being Implemented: Chapter 28B.07 RCW.

Summary: The proposed rule changes the administrative office address and lowers the equity capital required by underwriters to participate in WHEFA programs.

Reasons Supporting Proposal: The WHEFA administrative office has moved to a new address; lowering the

required equity capital will allow more local underwriters to participate in WHEFA programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kim Herman, Executive Director, 1000 2nd Avenue, Suite 2700, Seattle, 98104, 464-7139.

Name of Proponent: Washington Higher Education Facilities Authority, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 1000 Second Avenue, Suite 2700, Seattle, WA 98104, on July 7, 1994, at 9:00 a.m.

Submit Written Comments to: Kim Herman, Executive Director, Washington Higher Education Facilities Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, by July 6, 1994.

Date of Intended Adoption: July 7, 1994.

May 31, 1994

Kim Herman  
Executive Director

**AMENDATORY SECTION** (Amending Order 3, filed 11/27/84)

**WAC 253-02-040 Description of organization.** (1) The authority is a public entity established under the provisions of chapter 28B.07 RCW, which exercises essential governmental functions.

(2) Members. The authority shall consist of seven members as follows: The governor, lieutenant governor, executive coordinator of the state council for postsecondary education, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) Officers. The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from

a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Authority staff: The staff of the authority shall consist of an executive director and such other employees as are determined by the authority as necessary to fulfill its responsibilities and duties. The executive director shall be the chief administrative officer of the authority and subject to its direction. All other staff shall be under his or her supervision and direction. The executive director shall keep a record of the proceedings of the authority and, when required by the authority, shall sign notes, contracts and other instruments. The executive director shall have custody of and be responsible for all moneys and securities of the authority and shall deposit all such moneys forthwith in such banks as the authority may designate from time to time.

(5) Administrative office: The administrative office of the authority shall be located at ~~((504 E. 14th, Suite 130, Mailstop PK 11, Olympia, WA 98504))~~ 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, telephone: (206)464-7139, which office shall be open each day for the transaction of business from ~~((8-00))~~ 8:30 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 253-12-050).

(6) Address for communications: All communications with the authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington Higher Education Facilities Authority, ~~((504 E. 14th, Suite 130, Mailstop PK 11, Olympia, WA 98504))~~ 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046.

**AMENDATORY SECTION** (Amending Order 1, filed 12/12/86)

**WAC 253-16-090 Selection of investment banking firms as underwriters.** (1) The authority shall create and maintain a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs in Washington state as well as nationally.

(2) Any underwriter may apply to have its name placed on the roster. Each underwriter placed on the roster must be able to demonstrate current competence and experience in the structuring and sale of higher educational facility bond financing. In addition the underwriter must meet the following minimum standards:

(a) The firm must have a minimum equity capital of ~~((twenty))~~ five million dollars; and

(b) The firm must currently possess the competence and ability to underwrite a higher education facility bond issue by demonstrating, among other things, that the firm or its



key underwriting personnel have either managed or comanaged two higher educational facility bond issues within the last three calendar years; or

(c) The firm has served as a credit facility for a higher education facility within the past three years; or

(d) The firm meets other criteria as the authority may adopt from time to time which establish a firm's ability to prepare for issuance, underwrite and market bonds to be issued by the authority.

(3)(a) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority.

(b) The applicant may, at its option, exercise the notice and selection procedures regarding underwriters set forth in (a) of this subsection. In such circumstances the applicant shall supply the authority with written verification that it has complied with the provisions of (a) of this subsection and the applicant shall obtain the authority's prior approval of the actual selection of the underwriter.

(4)(a) To provide balanced management knowledge and sale distribution and to assure the most realistic bond terms and interest, the authority reserves the right to name investment banking firms as comanagers of any authority bond issue(s). The authority will not name an investment banking firm or firms as a comanaging underwriter or comanaging underwriters on bond issues of less than ten million dollars unless the authority determines that special circumstances so require. On each issue aggregating more than ten million dollars the authority may name a comanager or comanagers. On each issue aggregating more than twenty million dollars the authority may name two or more comanagers. The authority will also review and approve the division of the management fee in each instance where a comanager is named. While the authority will actually select the comanagers, it will consider recommendations from the applicant as to the selection of any comanager or comanagers. In each instance, the applicant will be given a written notification fifteen days prior to the authority's actual designation of an investment banking firm or firms as a comanager on a particular bond issue.

(b) For purposes of selecting comanagers on any bond issues, the authority shall maintain a roster of qualified comanagers for higher education facility bond issues. Any underwriter may, at any time, apply to the authority to have the underwriter's name placed on the roster or removed from the roster. Any underwriter qualified as a senior manager pursuant to subsection (2) of this section will also be placed on the roster of comanagers. The authority may, from time to time, request updated proposals for underwriter services from firms on the comanager roster. When the authority determines the need to retain comanagers, it shall select comanagers from the roster, with the advice of the applicant, the financial advisor, and the senior underwriter on the

particular issue. In selecting a comanager, the authority shall consider each of the following factors:

(i) The underwriter's success in structuring and/or marketing higher education bond issues;

(ii) Underwriter's familiarity with higher education bond issues;

(iii) The underwriter's fee schedule for services;

(iv) The underwriter's regional and/or national reputation with respect to financial and underwriting services and ability to market bonds nationally and regionally as well as in Washington;

(v) Other qualifications which the authority may establish from time to time which indicate the firm's ability to act as a comanager on an authority bond issue.

(5) All compensation of the senior and comanaging underwriters, members of any underwriting syndicate, and placement agents shall be contingent upon the successful issuance and payment for the obligations and shall be paid from the proceeds of the sale or through the underwriting spread. The amount of the compensation for all such parties shall be determined by the authority, after considering the recommendations of the participant.

(6) For private placements the applicants may select a firm as placement agent for its proposed financing, subject to review and approval by the authority. In every instance, the placement agent selected must be able to demonstrate a familiarity with, and competence and experience in, the structuring and sale of higher education facility bonds. The applicant shall notify the authority in writing of its proposed placement agent selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's placement agent selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and the applicant will then propose another placement agent subject to authority approval in the same manner. The authority shall, in its discretion, make the final determination whether an issue is a private placement.

#### WSR 94-12-093

#### PROPOSED RULES

#### OFFICE OF

#### MARINE SAFETY

[Filed June 1, 1994, 11:16 a.m.]

#### Original Notice.

Title of Rule: Chapter 317-40 WAC, Bunkering operations.

Purpose: To establish procedures for vessel refueling operations to reduce the likelihood of oil spills.

Statutory Authority for Adoption: RCW 43.21I.030.

Statute Being Implemented: RCW 88.46.170.

Summary: This chapter establishes training, communication and watch procedures to increase the ability to prevent oil spills during refueling operations of both receiving and delivering vessel personnel.

Reasons Supporting Proposal: This chapter accomplishes the purpose of RCW 88.46.170 to prevent refueling (bunkering) related oil spills in Washington waters.

Name of Agency Personnel Responsible for Drafting: Jeff Fishel, 711 State Street, Olympia, WA, (206) 664-9110; Implementation: David Johnson, 711 State Street, Olympia, WA, (206) 664-9110; and Enforcement: Bruce Sutherland, 711 State Street, Olympia, WA, (206) 664-9110.

Name of Proponent: Washington State Office of Marine Safety, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter establishes procedures for training personnel to increase safety awareness; for communicating essential information in a timely and understandable manner; for standing watch during a refueling operation; and for ensuring personnel are rested and have clear work assignments. Following these procedures will increase the awareness of personnel performing routine refueling operations.

Proposal does not change existing rules.

#### Small Business Economic Impact Statement

Purpose: The Office of Marine Safety (OMS) is proposing a rule, chapter 317-40 WAC, establishing operational procedures for refueling (bunkering) seagoing vessels in Washington state waters to reduce the risk of oil spills.

Background: OMS had extensive involvement from the maritime industry in developing the proposed rule. A Bunker Technical Advisory Committee was convened in September 1993. Three subcommittees were formed with recommendations referred back to the full committee. An additional subcommittee met in May to discuss limiting work hours of those involved in bunkering operations. The full committee met five times in developing "Procedures for Safe Bunkering." The procedures are the basis for the proposed rules.

OMS conducted two public workshops in May. These were held in Seattle and Kelso and enabled the maritime community, port representatives, and concerned citizens the opportunity to comment on the proposed rule. In addition, OMS developed an interested parties mailing list to solicit comments and recommendations from the international bunker industry.

Summary of Chapter 317-40 WAC: The bunker rule defines two classes of vessels: Those that receive bunkers (receiving vessels) and those that deliver bunkers (delivering vessels).

Receiving Vessel: The following are new requirements that exceed the existing federal requirements for the receiving vessel that may have an economic impact. The receiving vessel must: Formulate a preload plan prior to receiving bunkers; conduct a training session onboard the vessel within 48 hours prior to scheduled bunkering to discuss the preload plan; be subject to penalties and liabilities for noncompliance and oil spills; comply with the vessel's oil transfer procedure; comply with the communication guide between the receiving and delivering vessel; comply with new deck watch requirements; comply with new shut down requirements; ensure all crew members complete a training session prior to assuming duties; participate in a pretransfer bunker conference involving face-to-face communication onboard either of the vessels; ensure safe access for the pretransfer conference; ensure competent English speaking representatives for the pretransfer conference; provide a log book entry

stating that the training and pretransfer conference was conducted; ensure all receiving vessel personnel listed on the vessel's oil transfer procedure shall not work more than 15 hours in any 24 hour period nor more than 36 hours in any 72 hour period while involved in bunkering; ensure all personnel involved in the bunkering operation are trained in emergency shutdown procedures; and ensure the point of transfer watch is able to effectively communicate with the delivering vessel.

Delivering Vessel: The following are new requirements that exceed the existing Code of Federal Regulations for the delivering vessel that may have an economic impact: The delivering vessel personnel shall have received training provided by OMS after the implementation of this proposed rule; the pretransfer conference shall take place face-to-face on either of the vessels; safe access must be provided by the receiving vessel to ensure that the pretransfer conference takes place; competent English must be spoken at the pretransfer conference; and all delivering vessel personnel shall not work more than 15 hours in any 24 hour period nor more than 36 hours in any 72 hour period while involved in bunkering.

No additional equipment will be needed to comply with the proposed state rule for either the receiving or delivering vessel.

Professional Services Possibly Needed: OMS will help individual companies and local agents or representatives come into compliance with the proposed rule. OMS will conduct training sessions for delivering vessel companies. OMS will also conduct informational training sessions when boarding vessels that are bunkering.

Costs of Compliance: The Code of Federal Regulations were used as a benchmark for the survey. When a provision was included in the proposed bunker rule that exceeded the applicable Code of Federal Regulations, a survey question was included.

Receiving Vessels: Shipping companies are generally international corporations. No shipping companies that operate or own vessels in Washington waters have fewer than 50 employees. Six companies were interviewed with 100 to 25,000 employees. Results of the survey follow:

Cost to formulate a preload plan: Five companies stated that little or no cost was involved with this requirement. One company stated a cost of \$1,000.

Pretransfer conference face-to-face: Five companies identified no cost with this requirement. One company stated a cost of \$70.

Provide safe access: Four companies identified no additional cost to provide safe access. One company was unsure of any additional cost.

Competent English spoken: All companies identified no additional cost with this requirement.

Logbook entry: Five companies identified no cost for this requirement. One stated a \$30 cost with this requirement.

Work hours limitation: Four companies identified no cost associated with this requirement. One company stated additional manpower would be required but did not provide a cost. Another company stated that 25% of bunker operations would increase cost \$500 to \$1,500 for bunker deliver.

Emergency shutdown requirements: Response ranged from very little cost to none.

Additional personnel required: Four companies stated that this rule would not require additional personnel. One company would not be able to perform all intended repair work because of this rule, which would add an indirect unidentified cost. Another company stated an additional person would be assigned on deck.

Delivering Vessels: OMS identified eight companies involved in delivering bunker fuels. Unlike shipping companies that receive bunker fuels, all eight delivering companies are local and employ all United States citizens for bunkering operations. Four companies employ more than fifty employees and four of these companies employ fewer than fifty employees.

Training session by OMS: All companies stated costs associated with the training requirement ranging from \$40 to \$6,000.

Pretransfer conference face-to-face: Five companies identified no cost associated with this requirement. Two companies stated an additional \$90 cost per transfer, while the last company could not provide a cost but stated an unidentified increased tugboat cost to assist the tankermen in getting to the pier.

Competent English spoken: The companies interviewed all have tankermen fluent in English.

Work hour limitations: Seven companies stated no cost associated with this requirement. One company stated that this would increase costs by 25% or by \$13,800 per month.

Comparison of Cost—Small vs. Large Employers: None of the receiving companies interviewed had fewer than 50 employees. The following comparison pertains only to delivering vessels.

Training session by OMS: Average for small employers for a two hour training session would be \$93. Average for large employers for a two hour training session would be \$84.

Pretransfer conference face-to-face: One small and one large employer, out of eight survey participants, stated an impact. The cost of these two companies was roughly the same (\$90 for the small employer versus \$88 for the large employer).

Work hour limitations: One survey participant felt that there would be an associated cost with this requirement. This company employs fifty people and identified a cost of \$13,800 per month. None of the small company participants identified an impact.

Mitigation of Disproportionate Costs to Small Employers: Based on the survey conducted, OMS concludes that no disproportionate costs will be incurred by small employers for delivering vessels. OMS will conduct training sessions for the delivering vessels to assist in compliance with the proposed bunker rule. None of the vessels that receive bunkers qualified as small businesses.

Hearing Location: Office of Marine Safety Conference Room, 711 State Street, Olympia, WA 98104 [98504], on July 5, 1994, at 2 to 4 p.m.

Submit Written Comments to: David Johnson, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504, by July 5, 1994.

Date of Intended Adoption: July 12, 1994.

June 1, 1994  
Barbara Herman  
Administrator

WASHINGTON STATE  
OFFICE OF MARINE SAFETY  
Chapter 317-40 WAC  
Bunkering Operations

NEW SECTION

**WAC 317-40-010 Purpose.** This chapter establishes minimum standards for safe bunkering operations to reduce the likelihood of an oil spill by:

(1) Emphasizing the importance of proper procedures, communication and monitoring before, during and after a bunkering operation;

(2) Ensuring that the duties of each person involved in a bunkering operation are clearly defined; and

(3) Requiring vessel owners and operators to adopt company policies that improve the safety of bunkering.

NEW SECTION

**WAC 317-40-020 Application.** This chapter applies to all bunkering operations to refuel a self-propelled covered vessel 300 gross tons or more, and to all owners, operators, persons-in-charge, and other personnel involved in bunkering in state waters.

NEW SECTION

**WAC 317-40-030 Definitions.** Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

(1) "Bunkering" means an oil transfer operation to replenish a self-propelled covered vessel 300 gross tons or more with fuel or "bunkers" used to propel the vessel.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters.

(3) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(4) "Innage" means the difference from the surface of the liquid to a fixed datum plate or to the tank bottom.

(5) "Office" means the office of marine safety.

(6) "Oil transfer procedure" means the document required under 33 C.F.R. Sec. 155.720 that contains information required under 33 C.F.R. Sec. 155.750 including bunkering procedures.

(7) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(8) "Person in charge" means, for vessels, the person designated under 33 C.F.R. Sec. 155.700 who is a licensed or certified master, mate, pilot, engineer, operator, or tankerman and meets the qualifications of 33 C.F.R. Sec. 155.710. For facilities, it is the person designated under 33 C.F.R. Sec. 154.700 who meets the qualifications of 33 C.F.R. Sec. 154.710.

(9) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels

and facilities understand and may safely complete a vessel operation.

(10) "Tank vessel" means a ship 300 gross tons or more that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

- (a) Operates on the waters of the state; or
- (b) Transfers oil in a port or place subject to the jurisdiction of the state.

(11) "Training" means instructional, materials, and procedures, including shipboard materials, practical exercises, and drills.

(12) "Topping off" means 15 minutes prior to stopping the transfer of bunkers to the receiving vessel.

(13) "Ullage" or "outage" means the depth of space above the free surface of the fluid to the tank top.

**NEW SECTION**

**WAC 317-40-040 Compliance with federal law and regulations.** (1) All bunkering and personnel involved in bunkering must comply with applicable provisions of federal law and regulations governing licensing, documentation, and oil and hazardous material transfer operations including but not limited to 33 C.F.R. Sec. 155 and 156, and 46 C.F.R. Sec. 12, 15, and 35.

(2) Federal law and regulations applicable to bunkering on the effective date of these rules are hereby incorporated. Any amendment or recodification of an applicable federal law or regulation is also hereby incorporated unless expressly stated otherwise.

**NEW SECTION**

**WAC 317-40-050 Receiving vessel procedures.** Receiving vessel personnel on a covered vessel being refueled in state waters shall comply with the requirements of this section.

(1) Training. Except for a receiving vessel subject to subsection (2) of this section, a receiving vessel's person in charge shall conduct a training session for all personnel with duties under the vessel's oil transfer procedure within 48 hours before a vessel's scheduled bunkering. If a person identified in the oil transfer procedure is relieved or non-vessel personnel are assigned, the person in charge shall train such personnel before they assume bunkering responsibilities. Training shall be conducted in a language common to both the person in charge and personnel being trained. The training shall include, but is not limited to, a review of the:

- (a) Vessel's pre-loading plan as described in subsection (3) of this section;
- (b) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;
- (c) Vessel's oil transfer procedure, including each person's responsibilities and station;
- (d) Communication guide of standard hand signals and English phrases provided by the Office; and
- (e) Emergency shutdown procedures described under WAC 317-40-065.

(2) Intrastate Operation. A receiving vessel underway in state waters more than 50 percent of the time in a calendar year and that bunkers three or more times in a

month shall conduct the training session described in subsection (1) of this section at least once every month.

(a) The receiving vessel's owner or operator shall submit a written schedule of the vessel's operations to the office stating:

- (i) The vessel's name, call sign, and official number;
- (ii) The typical routes served by the vessel; and
- (iii) The typical number of bunkering operations performed in any 30 days.

(b) The receiving vessel's owner or operator shall notify the office in writing within 30 days of making a change in the vessel's typical operations.

(3) Pre-loading plan. The receiving vessel's person in charge shall prepare a pre-loading plan prior to conducting the training session required under subsection (1) of this section. The person in charge shall ensure that a copy of the plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The pre-loading plan must include the:

- (a) Identification, location and capacity of the vessel's bunker tanks receiving oil;
- (b) Level and type of liquid in each bunker tank prior to the scheduled time for bunkering;
- (c) Final ullage or innage, and percent of each bunker tank to be filled;
- (d) Sequence in which the bunker tanks are to be filled; and
- (e) Procedures to regularly monitor all bunker tank levels and valve alignments.

(4) Watchstanders. The vessel's oil transfer procedure must designate a point-of-transfer watch and a deck-rover watch. Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.

(a) A point-of-transfer watch must remain at the point of connection with the delivering vessel during bunkering.

(b) The primary duty of the deck-rover is to monitor for oil spills on deck or over the side during bunkering. The deck-rover may perform other duties not in conflict with his or her primary duty. The deck-rover shall:

- (i) Visually inspect the deck and water near or opposite all bunker tanks and each tank's sounding tube and vent, if accessible; and
- (ii) Remain in a position during changing over of tanks or topping off to view any spillage on deck or in the water.

(5) Personnel duties. Except for the deck-rover watch, personnel with bunkering responsibilities under the vessel's oil transfer procedure may perform only those duties assigned during bunkering. All personnel assigned to bunkering shall comply with their assigned duties under the vessel's oil transfer procedure and remain at their work stations during topping off.

(6) Vessel access. A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessels, or between the receiving vessel and facility. If the vessel's master determines that the ladder is inaccessible from the delivering vessel another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS). If the vessel master determines access is not safe due to weather

or seastate, the master may allow communication by radio or by means set forth in subsection 8 of this section.

(7) **Soundings.** The receiving vessel's person in charge shall ensure that he or she receives sounding reports on tank levels according to the monitoring procedure established in the vessel's pre-loading plan.

(8) **Communication.** The person in charge shall ensure that communication between the receiving and delivering vessel or facility is accomplished either visually and by voice, sound-powered phones, radio, or airhorn as required under 33 C.F.R. Sec. 155.785. The person in charge shall notify the delivering vessel's or facility's person in charge immediately before topping off begins.

#### NEW SECTION

**WAC 317-40-060 Bunkering by a facility.** During the pre-transfer conference, the person in charge for a receiving vessel being refueled by a facility shall ensure that the receiving vessel's personnel comply with these rules and with the facility's operations manual as required under chapter 173-180B WAC.

#### NEW SECTION

##### **WAC 317-40-065 Emergency shut down procedures.**

(1) If any of the receiving vessel's personnel discovers an oil spill either on deck outside fixed containment, or on the water, or believes an oil spill is likely, he or she shall request immediate shutdown of the bunkering operation.

(2) The delivering vessel's personnel shall immediately activate the emergency shutdown device at the request of any person on the receiving vessel.

#### NEW SECTION

##### **WAC 317-40-070 Pre-transfer conference.**

(1) Before any oil is transferred during bunkering, the receiving vessel's person in charge and the delivering vessel's or facility's person in charge shall hold a pre-transfer conference as required under 33 C.F.R. Sec. 156.120. The persons in charge shall meet in person onboard either vessel or at the facility unless the receiving vessel's master determines it is unsafe under WAC 317-40-050(6). The persons in charge shall:

(a) State and discuss the contents of the declaration of inspection required under 33 C.F.R. Sec. 156.150;

(b) Discuss procedures for informing the delivering vessel's or facility's person in charge before the receiving vessel changes over tanks or begins topping off; and

(c) Discuss emergency shutdown procedures and identify each vessel's means to shut down the transfer in an emergency.

(2) The receiving vessel's person in charge shall identify for the delivering vessel's or facility's person in charge those personnel designated as point-of-transfer watch and deck-rover watch.

(3) A receiving vessel may not receive bunkers unless a person proficient in English and a language common to the vessel's officers and crew is present at the pre-transfer conference. The receiving vessel's owner or operator shall provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of

the office, the delivering vessel's or facility's person in charge, or the U.S. Coast Guard.

#### NEW SECTION

##### **WAC 317-40-080 Delivering vessel procedures.**

Delivering vessel personnel may not begin bunkering unless:

(1) The tankerman meets the certification requirements under 46 C.F.R. Subpart 12.20 and has undergone training to become familiar with the requirements of this chapter.

(2) Access is provided to and from the receiving vessel that meets WAC 317-40-050(5).

(3) A pre-transfer conference was held that met the requirements of WAC 317-40-070;

(4) A declaration of inspection was discussed in the pre-transfer conference and signed by both persons in charge as required under 33 C.F.R. Sec. 156.120;

(5) The delivering vessel's person in charge ensures that communication between the receiving and delivering vessel is accomplished either visually and by voice, sound-powered telephone, radio, or airhorn, as required under 33 C.F.R. Sec. 155.785; and

(6) The receiving vessel's person in charge has discussed procedures for informing the delivering vessel's person in charge before changing over tanks and beginning topping off.

(7) The delivering vessel's person in charge is satisfied that the receiving vessel's representatives are proficient in English.

#### NEW SECTION

**WAC 317-40-085 Work hours.** Receiving and delivering vessel personnel involved in bunkering may not work more than 15 hours in any 24-hour period nor more than 36 hours in any 72-hour period except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

#### NEW SECTION

**WAC 317-40-090 Record keeping.** (1) The master of a receiving vessel or his designee shall record in the vessel's official or deck log the date and time of the receiving vessel training session required under WAC 317-40-060(1), and the name and rating of who attended, immediately upon completion of the session; and

(2) The master or officer in charge shall record in the receiving vessel's official or deck log that a pre-transfer conference was held prior to bunkering that complied with the requirements of WAC 317-40-070.

(3) The receiving vessel's pre-loading plan and declaration of inspection shall be retained on the vessel for 30 days from the date of bunkering.

#### NEW SECTION

**WAC 317-40-100 Owner and operator responsibilities** (1) Owners and operators of receiving and delivering vessels must ensure that the procedures required under this chapter are implemented and followed on their vessels.

(2) Owners and operators shall ensure that records are kept as required by this chapter and federal regulations.

NEW SECTION

**WAC 317-40-110 Location of bunkering (Reserved).**

NEW SECTION

**WAC 317-40-120 Best achievable technology (Reserved).**

NEW SECTION

**WAC 317-40-130 Oil spills.** (1) In the event oil is spilled into the water, or discharged onto either the receiving or delivering vessel's deck outside fixed containment, the persons in charge shall immediately shut down the bunkering operation.

(2) Bunkering may not resume until:

- (a) Notification is made as required in RCW 90.56.280; and
- (b) The persons in charge determine that there is no threat of subsequent oil spills.

NEW SECTION

**WAC 317-40-140 Compliance.** (1) Upon request by the office, an owner or operator of a receiving or delivering vessel involved in bunkering in state waters shall demonstrate compliance with this chapter. The owner or operator shall make available to the office any or all of the following:

- (a) The receiving vessel's official log;
- (b) Written company policies;
- (c) Standing orders;
- (d) The receiving vessel's pre-loading plan;
- (e) Each vessel's declaration of inspection form;
- (f) The vessel's oil transfer procedures; and
- (g) Training materials.

NEW SECTION

**WAC 317-40-150 Enforcement.** (1) Failure to comply with federal regulations governing bunkering or with this chapter may result in sanctions under state laws.

(2) If the office determines that a vessel violates the provisions of this section, the office may:

- (a) Order an immediate shutdown of the bunkering procedure;
- (b) Require additional personnel;
- (c) Assess a penalty under RCW 88.46.090;
- (d) Initiate criminal proceeding under RCW 88.46.80; and
- (e) Other action to mitigate the risk of a spill posed by the violation.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 317-40-900 Effective date.** This chapter shall take effect 60 days after the order adopting these rules is filed with the Office of the Code Reviser.

NEW SECTION

**WAC 317-40-910 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

**WSR 94-12-095  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed June 1, 1994, 11:39 a.m.]

Original Notice.

Title of Rule: [No information supplied by agency].

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, state-initiated proposed amendments and new sections to the agriculture safety standards are made to cover specific hazardous conditions under the vertical industry standard. These proposals specifically relate to Part C and Part L of chapter 296-24 WAC which cover machine guarding and electrical safety under the general industry standard. At the request of many industry representatives to make better use of the industry standard, this proposal seeks to place the most common substantive machine guarding and electrical protection applicable to agriculture in the agriculture industry standard. The proposal is not intended to change or increase the regulatory burden on the industry; it is intended to make it easier for employers and workers to identify those requirements and obligations applicable to agriculture in the least burdensome manner. This proposal does not purport to move all agriculture industry requirements into the industry vertical standard. Where hazards are not addressed in the agriculture industry standard, but are addressed by the general industry standard, that standard shall be applied. The proposed amendments will not establish any new compliance requirements.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Marcia Holt, 7273 Linderson Way, Tumwater, WA, (206) 956-5530; Implementation and Enforcement: Suzanne L. Mager, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement required by chapter 19.85 RCW.

These rule changes do not establish any new compliance requirements. The proposal simplifies and specifically places existing machine guarding and electrical requirements into the industry vertical standard (chapter 296-306 WAC) from the general industry standard (chapter 296-24 WAC, Parts C and L). Since no new regulatory or compliance burdens are created by this proposal there is no new economic impact to assess. This action is being taken in response to industry requests to better utilize the agriculture industry standard and should make understanding the existing requirements and obligations of the standards less confusing and burdensome, but does not create new impacts

Hearing Location: Chelan Senior High School, Performing Arts Center, 100 Webster, Chelan, WA, on July 12, 1994, at 2:00 p.m. and 7:00 p.m.; at the Everett Holiday Inn, 101 128th Southeast, Everett, WA, on July 12, 1994, at 9:30 a.m.; at the General Administration Building (Auditorium), 210 11th Street, Olympia, WA, on July 13, 1994, at 9:30 a.m.; and at the Yakima County Fairgrounds, Pioneer Hall, 1301 South 10th Street, Yakima, WA, on July 13, 1994, at 2:00 p.m. and 7:00 p.m.

Submit Written Comments to: Suzanne L. Mager, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by July 20, 1994. In addition to written comments, the department will accept comments submitted to the following voice mail number and telefacsimile machine number: Voice mail (206) 956-5525 and FAX (206) 956-5529. Comments submitted by FAX must be 10 pages or less.

Date of Intended Adoption: September 1, 1994.

June 1, 1994  
Mark O. Brown  
Director

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

~~WAC 296-306-061 Machinery and machine guarding. ((Chapter 296-24 WAC, Part C shall apply to agriculture equipment effective February 1, 1994. Note: The delayed implementation date is to provide the opportunity for the department, agriculture industry, and farmworker advocates to develop agriculture specific machinery and machine guarding requirements for equipment that is unique to agriculture, which will take precedence over the requirements of chapter 296-24 WAC, Part C.))~~

#### NEW SECTION

**WAC 296-306-06101 Powered saws, general requirements.** (1) All cracked saws shall be removed from service.  
(2) The practice of inserting wedges between a saw disk and its collar to form a "wobble saw" for rabbetting is prohibited.

Note: This is not applicable to properly designed adjustable rabbetting blades.

(3) When used for ripping, saws shall be equipped with anti-kick-back fingers located on each side of the saw, and shall be equipped with a spreader.

(4) The direction of saw rotation shall be marked on the hood and a permanent warning sign prohibiting ripping or ploughing from that position attached to the rear of the guard. Ripping and ploughing shall be permitted only against the direction in which the saw turns.

(5) Push sticks or push blocks shall be provided at the work place in the sizes and types suitable for the work to be done.

**Reviser's note:** The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 296-306-06103 Band saws.** (1) All band wheels shall be completely encased or guarded on both sides. Guards shall be constructed of not less than No. 14 U.S. gauge metal, nominal 2" wood material, or mesh or perforated metal of not less than U.S. gauge No. 20 with openings not greater than 3/8".

(2) All portions of the band saw blade shall be enclosed or guarded except the working side of the blade between the guide, and the table.

(3) The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side.

#### NEW SECTION

**WAC 296-306-06105 Radial armsaws.** (1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.

(2) Means shall be provided which will prevent the leading edge of the saw from passing the front edge of the table or roll case.

(3) Radial arm-saws shall be equipped, with a means to return the saw and keep it in position at the back of the table.

Note: This may be accomplished by a counter-weight, a saw retractor device, or tilting the arm sufficiently to maintain the saw at the back when released by the operator or some other equally effective means.

#### NEW SECTION

**WAC 296-306-06107 Table saws.** (1) Each circular crosscut table saw shall be guarded by a standard type hood which shall cover the saw at all times at least to the depth of the teeth. The hood shall adjust itself automatically to the thickness of, and shall remain in contact with, the material being cut, except that when finished surfaces of stock may be marred by the guard, it may be raised slightly to avoid contact. The hood shall be so designed as to protect the operator from flying splinters and broken saw teeth.

(2) Rip table saws, and combination rip and crosscut table saws shall be fully guarded as required in Part E of this chapter. While used in performing rabbetting, ploughing, grooving or dado operations they may be used without a spreader but upon completion of such operations, the spreader shall be replaced immediately.

(3) The part of the table saw which is located beneath the table shall be fully guarded.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 296-306-06109 Circular fuel wood saws.** (1) Fuel wood saws shall be guarded by a standard guard that will completely enclose the blade to the depth of the teeth, except for that portion where material is fed into the blade.

(2) The table of fuel wood saws shall be designed and constructed so that material being sawn is supported on both sides of the blade.

(3) The table on fuel wood saws shall comply with the requirements of WAC 296-306-06105(2).

(4) Tilting tables of fuel wood saws shall be provided with a backrest for the full length of the table. The backrest shall extend upward from the table platform at least to the height of the saw opening. Backrest construction shall allow no opening greater than 2". The backrest frame and filler shall be constructed of material of sufficient strength and rigidity to prevent distortion under normal use conditions.

(5) Shafting, flywheels, and pulleys on fuel wood saws shall be guarded according to Part K of this chapter. Guarding requirements for shafting, flywheels, and pulleys not addressed by Part K of this chapter shall comply with the requirements of WAC 296-24-205, Part C.

(6) A circular fuel wood saw which has developed a crack equal to the length indicated in the following table shall be discontinued from use until properly repaired.

Table E-1

Length of crack	Diameter of saw in inches
1/2"	12"
1"	24"
1 1/2"	36"

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75.)

**WAC 296-306-075 Bench grinders.** ~~(((1) The safety guard required on bench grinders shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard.~~

Note: ~~This requirement does not apply to natural sandstone wheels, or metal, wooden, cloth or paper discs having a layer of abrasive on the surface.~~

~~(2) Work rests shall be used to support the work. These shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted sufficiently close to the wheel to prevent the work~~

~~from being jammed between the wheel and the rest. Adjustment of the work rest shall not be made while the wheel is turning.~~

~~(3) Goggles or face shields shall be used when grinding.~~

NEW SECTION

**WAC 296-306-07501 Definitions.** (1) Abrasive wheel. A cutting tool consisting of abrasive grains held together by organic or inorganic bonds. Diamond and reinforced wheels are included.

(2) Off-hand grinding. The grinding of any material or part which is held in the operator's hand.

(3) Portable grinding. A grinding operation where the grinding machine is hand-held and may be easily moved from one location to another. Requirements for hand-held grinders are located in WAC 296-306-080.

(4) Safety guard. An enclosure for an abrasive wheel consisting of a peripheral and two side members. Its purpose and design is to effectively retain the pieces of the wheel should the wheel break in operation.

NEW SECTION

**WAC 296-306-07503 Use, mounting, and guarding.**

(1) The requirements of this section shall be complied with to provide protections from hazards associated with the use of abrasive wheels. For other guarding requirements not addressed by this chapter, see chapter 296-24 WAC, Part C.

(2) Work rests shall be used to support the work. Work rests shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted to within 1/8" of the wheel to prevent work from being jammed between the wheel and the rest. Work rests shall be securely clamped after each adjustment and shall not be adjusted with the wheel in motion.

(3) Goggles or face shields shall be used when grinding.

(4) Nonportable type grinding machines shall be securely mounted on substantial floors, benches, foundations, or other adequate structures.

(5) After mounting an abrasive wheel it shall be run at operating speed with safety guard in place and properly adjusted, or in a protected enclosure for at least one minute before applying work, during which time no one shall stand in front of or in line with the wheel.

(6) The use of grinders or abrasive wheels which vibrate or are out of balance shall not be used until the cause of the vibration or unbalance condition is rectified.

(7) Abrasive wheels not designed for the machine or guard, shall not be mounted on a grinder.

(8) Side grinding shall only be performed with wheels designed for this purpose.

Note: Dressing on the side of straight wheels may be permitted only when very delicate pressure is applied.

(9) Arbor size. Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adapters) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the



wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

(10) An abrasive wheel which is designed to be held by flanges shall not be operated unless it is properly mounted between suitable flanges. Except for those types requiring flanges of a special design, flanges shall be at least 1/3 the diameter of the wheel.

(11) Facings of compressible material shall be interposed between the abrasive wheel and its flanges to insure uniform distribution of flange pressure.

(12) Abrasive wheels larger than 2" in diameter shall be used only on machines provided with safety guards, except for those specially-shaped abrasive wheels mounted in mandrel-type bench or floor stands and used for and commonly known as "sickle grinding stones or wheels." Guards for abrasive wheels used where the work itself provides full protection may be removed or omitted only while the wheel is contained within the area of protection.

(13) Guards for abrasive wheels shall cover the spindle end, nut, and outer flange projection of the wheel. The guard shall cover the sides and periphery of the wheel except for that degree of exposure as permitted below:

(a) Bench and floor stands;

(i) The maximum permissible angle of exposure is 90°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle.

(ii) Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle.

(b) Swing frame grinders: The maximum permissible angle of exposure is 180°, and the top half of the wheel shall be enclosed at all times.

(c) Top grinding: Where the work is applied to the top of the wheel the exposure of the grinding wheel periphery shall not exceed 60°.

(d) Portable grinders: The requirements for guarding portable grinders are prescribed in WAC 296-306-080, Part E of this chapter.

(14) Where the operator may stand in front of the opening, safety guards shall be constructed so that the peripheral protecting member can be adjusted to compensate for wheel wear. The distance between the wheel periphery and the adjustable tongue or the guard above the wheel shall not exceed 1/4".

#### AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

**WAC 296-306-080 Guarding of hand-held portable power tools.** (1) "Dead man" controls. Each hand-held, power-driven tool shall be provided with a "dead man" control, such as a spring-actuated switch, valve, or equivalent device, so that the power will be automatically shut off whenever the operator releases the control.

(2) Grounding. Electrical grounding requirements for portable machinery shall conform to the requirements of this section.

(a) The frames and all exposed, noncurrent-carrying metal parts of portable electric machinery operated at more

than 90 volts to ground shall be grounded. Other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

(b) Double insulated tools which are designed and used in accordance with the requirements of Article 250-45 of the National Electrical Code (1971 edition) are exempted from the above grounding requirement in (a).

(3) Portable belt sanding machines. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points.

(4) All portable, power-driven saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position. Pruning and chain saws are exempt from this requirement.

~~((5) Cracked saws. All cracked saws shall be removed from service.))~~

#### AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

**WAC 296-306-145 Electrical.** ~~((Chapter 296-24 WAC, Part L shall apply to agriculture industry effective February 1, 1994. Note: The delayed implementation date is to provide the opportunity for the department, agriculture industry, and farmworker advocates to develop electrical requirements for electrical applications that are unique to agriculture, which will take precedence over the requirements of chapter 296-24 WAC, Part L.))~~

#### NEW SECTION

##### **WAC 296-306-14501 Purpose, scope and application.**

(1) WAC 296-306-14501 through 296-306-14511 prescribe safety standards to provide for protection against hazards incurred with electricity in places of agricultural employment.

Note: The provisions of chapter 296-306 WAC, Part J do not cover:

1. Installations in watercraft, or automotive vehicles.
2. Facilities under the exclusive control of electric utilities (see chapter 296-45 WAC, electrical workers safety rules).
3. Electric welding (see chapter 296-306 WAC, Part I).

(2) Unless otherwise provided in this chapter all electrical work, installation, and wire capacities shall be in accordance with the National Electrical Code, NFPA 70-1973; ANSI C1-1971, and all other applicable standards administered by the department of labor and industries. Should further information be desired, it is recommended that you contact your local department of labor and industries.

NEW SECTION

**WAC 296-306-14503 Definitions.** The following definitions apply to this chapter.

(1) "Acceptable." An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(2) "Accepted." An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

(3) "Bonding jumper." A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(4) "Branch circuits." That portion of a wiring system extending beyond the final overcurrent device protecting the circuit. A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.

(5) "Certified." Equipment is certified if it:

(a) Has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner; or

(b) Is of a kind whose production is periodically inspected by a nationally recognized testing laboratory; and

(c) Bears a label, tag, or other record of certification.

(6) "Exposed" (as applied to live parts). A live part that can be inadvertently touched or approached nearer than a safe distance by a person. This term applies to parts not suitably guarded, isolated, or insulated.

(7) "Ground." A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(8) "Grounded." Connected to earth or to some conducting body which serves in place of the earth. (See NFPA 70 Art. 250.)

(9) "Isolated." Not readily accessible to persons unless special means of access are used.

(10) "Labeled." Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory that:

(a) Makes periodic inspections of the production of such equipment; and

(b) Whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(11) "Shock hazard." Considered to exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500 ohm load is more than 5 milliamperes.

(12) "Weatherproof." So constructed or protected that exposure to the weather shall not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

NEW SECTION

**WAC 296-306-14505 Temporary lighting and wiring.**

(1) Temporary lighting and portable extension lamps:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb.

Note: Guards are not required when the bulb is deeply recessed in the reflector. (The entire bulb is below the rim and completely surrounded and protected by the reflector.)

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition.

(c) Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension.

(d) Hand lamps of the portable type shall be of molded composition or other approved type. Brass shell, paper lined lamp holders shall not be used. Hand lamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lamp holder or the handle.

(e) Portable extension lamps used where flammable vapors or gases, or combustible dusts, or easily ignitable fibers or flyings are present, shall be specifically approved as complete assemblies for the type of hazard involved.

(2) Temporary wiring:

(a) Working spaces, walkways, and similar locations shall be kept clear of power cords.

(b) All temporary wiring shall be grounded. (See NFPA 70 Art. 250)

(c) All electric equipment used in hazardous locations shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom made components and utilization equipment.

(d) All wiring equipment shall be maintained as vapor, dust, or fiber tight as contemplated by their approvals. There shall be no loose or missing screws, gaskets, threaded connections, or other impairments to this tight condition.

(e) Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

**NEW SECTION****WAC 296-306-14507 Guarding of live parts. (1)**

Except as required or permitted elsewhere in this section, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(a) By location in a room vault or similar enclosure that is accessible only to qualified persons.

(b) By suitable permanent substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(c) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(d) By elevation of eight feet or more above the floor or other working surface.

(2) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(3) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(4) Electrical repairs shall be made only by qualified persons authorized by the employer.

(5) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(6) No employer shall permit an employee to work in such proximity to an electric power circuit that he/she may contact it unless the employee is protected against electric shock.

Note: Protection may be accomplished by deenergizing the circuit and grounding it, by guarding it, by effective insulation, or other means.

(7) In work areas where the exact location of underground electric power lines is unknown, workers using jackhammers, bars or other hand tools which may contact a line shall be provided with insulated protective gloves.

(8) Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards.

**NEW SECTION****WAC 296-306-14509 Equipment installation and maintenance. (1) Flexible cable extension cords:**

(a) Extension cords used with portable electric tools and appliances shall be of three-wire type, and fitted with approved grounding-type attachment plug and receptacle providing ground continuity.

Note: This rule does not apply to cords used with portable tools and equipment provided by an approved system of double insulation or its equivalent.

(b) Worn or frayed electric cables shall not be used.

(2) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(3) Lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least seven feet from normal working surface or by a suitable fixture or lampholder with a guard.

(4) Electrical conductors shall be spliced or joined in splicing devices suitable for the use, by brazing, welding or soldering with a fusible metal or alloy.

(a) Soldered splices shall first be so spliced or joined as to be mechanically and electrically secured without solder, and then soldered. (Rosin-core solder should be used, not acid core solder, when joining electrical conductors.)

(b) All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for that purpose.

(c) Splices for flexible cords must provide the flexibility and usage characteristics as that of the cord being spliced. Such repairs may be made by vulcanized splices or equivalent means such as systems using shrinkable materials.

(5) Attachment plugs and receptacles:

(a) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(b) Attachment plugs shall be of approved grounding type.

(c) Receptacles for attachment plugs shall be of approved concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact.

(d) Polarized attachment plugs, receptacles and cord connectors shall be wired to maintain continuity.

(e) Polarized attachment plugs, receptacles and cord connectors for plugs and polarized plugs shall have the terminal intended for connection to the grounded (white) conductor identified by a metal coating substantially white in color. If the terminal is not visible, its entrance hole shall be marked with the word "white," or otherwise identified by a white color.

(f) The terminal for the connection of the equipment grounding conductor shall be:

(i) A green colored, not readily removable terminal screw with hexagonal head; or

(ii) A green colored, hexagonal, not readily removable terminal nut; or

(iii) A green colored pressure wire connector.

(iv) If the terminal for the grounding conductor is not visible, the conductor entrance hole shall be marked with the word "green" or otherwise identified by a distinctive green color.

Note: Two-wire attachment plugs, unless of the polarity type, need not have their terminals marked for identification.

(g) Where different voltages, or types of current (A.C. or D.C.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(h) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(6) Cord and plug connected equipment:

(a) The noncurrent-carrying metal parts of portable or plug-connected equipment shall be grounded.

(b) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(c) Exposed noncurrent-carrying metal parts of fixed electrical equipment, including motors, frames, electrically driven machinery, etc., shall be grounded.

(d) All shocks received from electrical equipment, no matter how slight, shall be reported immediately to the person in charge or the employer. The equipment causing the shock shall be checked and any necessary corrective action taken without delay.

(7) Grounding and bonding:

(a) Effective grounding. The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; having ample carrying capacity to conduct safely the currents liable to be imposed on it; and have impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(b) Ground resistance. Driven rod electrodes shall, where practical, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25 ohms, two electrodes connected in parallel shall be used.

(c) Testing of grounds. Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(d) Conductors used for bonding and grounding stationary and moveable equipment shall be of ample size to carry the anticipated current.

(8) Switches and circuit breakers:

(a) Not less than 3' of clear space shall be maintained in front of switch centers or panels at all times.

(b) Live parts of electrical switchboards and panel boards shall be enclosed or screened.

(c) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(d) Disconnecting means shall be located or shielded so that employees will not be injured. The use of open knife switches is prohibited.

(e) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(9) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering

and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(10) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(11) Identification and load ratings:

(a) Name plates, rating data, and marks of identification on electrical equipment and electrically operated machines shall not be removed, defaced or obliterated.

(b) In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in the National Electrical Code, NFPA 70-1973; ANSI C1-1972, Article 310.

(c) Tampering with, bridging, or using oversize fuses is prohibited. If fuses blow repeatedly, such trouble shall be immediately reported to the employer or an authorized electrician.

(d) Attempts to start electric motors that kick out repeatedly are prohibited.

#### NEW SECTION

##### **WAC 296-306-14511 Proximity to overhead lines.**

(1) Clearance or safeguards required:

(a) All exposed overhead conductors shall be isolated from probability of accidental contact by persons or equipment.

(b) Irrigation pipe shall not be stored within one hundred feet of overhead conductors.

(c) Upending irrigation pipe within one hundred feet of overhead conductors is prohibited.

(d) No part of any water or irrigation system, or any other device which discharges a conductive liquid, shall be set up or operated in such a way that the discharge from that system is directed or may come within ten feet of overhead high voltage lines, or may contact any other exposed electrical power conductor.

(e) No employer shall require or permit any employees to enter or to perform any function in proximity to high-voltage lines, unless danger from accidental contact with said high-voltage lines has been effectively guarded against.

Note: Voltage 600V and higher is considered high voltage.

(f) The operation, erection, or transportation of any tools, equipment, or any part thereof capable of movement; the handling, transportation, or storage of any materials; or the moving of any building near high-voltage lines is prohibited if at any time it is possible to bring such object within ten feet of high-voltage lines.

(g) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated near power lines only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the object shall be ten feet;

(ii) For lines rated over 50 kv. minimum clearance between the lines and any part of the object shall be ten feet

plus four tenths of an inch for each 1 kv., over 50 kv., or twice the length of the line insulator but never less than ten feet.

(iii) In transit, the clearance shall be a minimum of four feet for voltages less than 50 kv., ten feet for voltages over 50 kv. up to and including 345 kv., and sixteen feet for voltages up to and including 750 kv.

(iv) A person shall be designated to observe clearance and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

(2) Warning sign required:

The employer shall post and maintain in plain view of the operator on each derrick, power-shovel, drilling-rig, hay loader, hay stacker, or similar apparatus, any part of which is capable of vertical, lateral or swinging motion, a durable warning sign legible at twelve feet reading "Unlawful to operate this equipment within ten feet of high-voltage lines."

(3) Notification to power company and responsibility for safeguards. When any operations are to be performed, tools or materials handled, or equipment is to be moved or operated within ten feet of any high-voltage line, the person or persons responsible for the work to be done shall promptly notify the operator of the high-voltage line of the work to be performed, and shall be responsible for the completion of the safety measures as required before proceeding with any work which would reduce the clearance requirements of this section.

Note: The foregoing rules are not intended to apply to the construction, reconstruction, operations and maintenance of overhead electrical conductors (and their supporting structures and associated equipment) by authorized and qualified electrical workers; nor to authorized and qualified employees engaged in the construction, reconstruction, operations and maintenance of overhead electrical circuits or conductors (and their supporting structures and associated equipment) of rail transportation systems, or electrical generating, transmission, distribution, and communication systems.

## NEW SECTION

**WAC 296-306-14513 Safeguards for personal protection.** (1) Use of protective equipment.

(a) Personal protective equipment. Employees working in the areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in chapter 296-24 WAC, Part A-2.

(b) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or tested, as required by chapter 296-24 WAC, Part A-2.

(c) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. (For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.)

(d) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(e) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes

or face from electrical arcs or flashes or from flying objects resulting from electrical explosion.

(2) General protective equipment and tools.

(a) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(b) Ropes and handlines used near exposed energized parts shall be nonconductive.

(c) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(d) Altering techniques. Altering techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or failure of electric equipment parts.

(e) Safety signs and tags. Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them, as required by chapter 296-24 WAC, Part B-2.

(3) Workspace:

(a) Sufficient space shall be provided and maintained in the area of electrical equipment to permit safe operation and maintenance of such equipment.

(b) When parts are exposed, the minimum clearance for the workspace shall not be less than six feet six inches high, nor less than a radius of three feet wide.

(c) There shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels.

(d) Suitable barriers or other means shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

## NEW SECTION

**WAC 296-306-14515 Selection and use of work practices.** (1) General.

(a) Deenergized parts. Live parts to which an employee may be exposed shall be deenergized before the employee works on or near them, unless the employer can demonstrate that deenergizing introduces additional or increased hazards or is infeasible due to equipment design or operational limitations. Live parts that operate at less than 50 volts to ground need not be deenergized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

Note 1: Examples of increased or additional hazards include interruptions of life support equipment, deactivation of emergency alarm systems, shutdown of hazardous location ventilation equipment, or removal of illumination for an area.

Note 2: Examples of work that may be performed on or near energized circuit parts because of infeasibility due to equipment design or operational limitations include testing of electric circuits that can only be performed with the circuit energized and work on circuits that form an integral part of a continuous industrial

process in a chemical plant that would otherwise need to be completely shutdown in order to permit work on one circuit or piece of equipment.

Note 3: Work on or near deenergized parts is covered by subsection (2) of this section.

(b) Energized parts. If the exposed live parts are not deenergized (i.e., for reasons of increased or additional hazards or infeasibility), other safety-related work practices shall be used to protect employees who may be exposed to the electrical hazards involved. Such work practices shall protect employees against contact with energized circuit parts directly with any part of their body or indirectly through some other conductive object. The work practices that are used shall be suitable for the conditions under which the work is to be performed and for the voltage level of the exposed electric conductors or circuit parts. Specific work practice requirements are detailed in WAC 296-24-960.

(2) Working on or near exposed deenergized parts.

(a) Application. This subsection applies to work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present. Conductors and parts of electric equipment that have been deenergized but have not been locked out or tagged according to this subsection shall be treated as energized parts, and WAC 296-24-960 applies to work on or near them.

(b) Lock-out and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this chapter. For additional lock-out/tag-out compliance requirements not addressed by this chapter see WAC 296-24-975.

**AMENDATORY SECTION** (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

**WAC 296-306-165 General requirements for all agricultural equipment.** (1) Definitions.

(a) "Agricultural equipment" means equipment used in production or handling of agricultural products.

(b) "Agricultural field equipment" means tractors, self-propelled implements, implements and combinations thereof used in agricultural operations.

(c) "Agricultural tractor" means a two-wheel or four-wheel drive type vehicle, or a track vehicle, of more than twenty net engine horsepower (continuous brake power rating per Society of Automotive Engineers (SAE) J816b - or the power recommended by the manufacturer for satisfactory operation under the manufacturer specified continuous duty conditions), designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(d) "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(e) "Constant-running drives" means those drives which continue to rotate when the engine is running. (With all clutches disengaged.)

(f) "Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(g) "Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

(h) "Guarding by location" means a component may be considered guarded by location when, because of its location, it does not present a hazard during operation or maintenance. A component seven feet or more above a working surface is considered guarded by location.

(i) "Ground-drive equipment" means equipment using power supplied by its pulled wheels to move gears, chains, sprockets, belts, pulleys, augers, tines, etc.

(j) "Low profile tractor" means a wheel or track equipped vehicle possessing the following characteristics:

(i) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(ii) The clearance from the bottom of the tractor chassis to the ground does not exceed eighteen inches.

(iii) The highest point of the hood does not exceed sixty inches, and

(iv) The tractor is designed so that the operator straddles the transmission when seated.

(k) A "guard" or "shield" is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

(l) "Point of operation" means the area on a machine where work is actually performed upon the material being processed.

(m) "Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power take-off shaft driven equipment.

(2) Immediate priority shall be given to guarding of power take-off drives on all tractors and equipment. These must be guarded no later than January 1, 1976.

(3) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1976.

(4) If unguarded power transmission components on older field equipment show evidence that they were once guarded, the guards shall be replaced by January 1, 1976.

(5) The manufacturer's instruction manual, if published by the manufacturer and currently available, shall be the source of information for the safe operation and maintenance of field equipment.

(6) The employer shall establish a written program consisting of an energy control procedure, employee training, and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine, equipment, system, or process shall be isolated, and rendered inoperative. Whenever major replacement, repair, renovation, relocation, or modification of machines or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(7) Operating instructions. At the time of initial assignment and at least annually thereafter, the employer

shall instruct every employee in the safe operation and servicing of all covered equipment with which he/she is or will be involved, including at least the following safe operating practices:

- (a) Keep all guards in place when the machine is in operation;
- (b) Passengers, other than persons required for instruction or machine operation shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
- (c) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment;
- (d) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;
- (e) Lock out electrical power before performing maintenance or service on farmstead equipment.

(8) Methods of guarding. Except as otherwise provided in this chapter, each employer shall protect employees from coming into contact with moving machinery parts as follows:

- (a) Through the installation and use of a guard or shield or guarding by location;
- (b) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.
- (9) Strength and design of guards.
  - (a) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

Note: Minimum requirements for guards shall correspond to Table K-1.

(b) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a two hundred fifty pound individual, leaning on or falling against the guard, would exert upon that guard.

(c) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

**TABLE K-1**

Material	Clearance From Moving Parts at All Points	Largest Mesh or Opening Allowable	Minimum Gauge (U.S. Standard) or Thickness
Woven Wire	(inches) under 2	(inches) 3/8	No. 16 Gauge
	2-4	1/2	No. 16 Gauge
	4-15	2	No. 12 Gauge
Expanded Metal	under 4	1/2	No. 18 Gauge
	4/15	2	No. 13 Gauge
Perforated Metal	under 4	1/2	No. 20 Gauge
	4/15	2	No. 14 Gauge
Sheet Metal	under 15		No. 22 Gauge
Plastic	under 15		Tensile strength of 10,000 lb/in <sup>2</sup>

(10) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

(11) Servicing and maintenance. Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

- (a) The equipment must be running to be properly serviced or maintained;
- (b) The equipment cannot be serviced or maintained while a guard or guards are in place; and
- (c) The servicing or maintenance is safely performed.

(12) Shields, guards and access doors that will prevent accidental contact with rotating machine parts on constant-running drives shall be in place when the machine is running. This requirement shall not apply to combines where such guards could create fire hazards.

(13) A guard or shield on stationary equipment shall be provided at the mesh point or pinch point where the chain or belt contacts the sprocket or pulley. Revolving shafts shall be guarded by a standard safeguard unless guarded by location. Shafts that protrude less than one-half the outside diameter of the shaft are exempt from this section.

(14) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

(15) Miscellaneous general requirements:

(a) Machines which are of a type that will throw stock, material, or objects shall be covered or provided with a device designed and constructed to minimize this action. (Such machines as rip saws, rotary mowers and beaters, rotary tillers are a few in this classification.)

(b) When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch.

(16) Machine controls.

(a) If the operation of a machine requires the presence of an operator on the machine, a power control device shall be provided on each machine to enable the operator to stop the machine or machine feed without leaving his/her position.

(b) Power control devices whose function is not readily self-evident to a casual observer shall be marked to indicate their function and the machine which they control. The position of ON and OFF shall be indicated.

(c) "Stop" buttons shall be colored red or orange. Each machine shall have one or more stop buttons according to the working position of the operator or operators.

(d) Machine control devices shall be located or guarded to prevent unexpected or accidental movement of the control. Electrical switch "start" buttons shall be recessed.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-170 Auger conveying equipment.** (1) Scope. This section applies only to farm augers as defined in WAC 296-306-165 (1)(e).

(2) General specifications.



(a) All shields and guards shall conform to WAC 296-306-165(13).

(b) Power take off shaft guards shall conform to WAC 296-306-165(8).

(3) Specifications.

(a) Each sweep auger shall have its top half shielded by a guard. No opening in such guard shall exceed 4 3/4 inches in length or width.

(b) The exposed auger at the hopper and the intake shall be guarded or otherwise designed to provide a deterrent from accidental contact with the rotating inlet area and extend a minimum of 2 1/2 inches above and below the exposed auger. Openings in the guard, for the free flow of material, shall not exceed 4 3/4 inches in length or width and shall be of sufficient strength to support a concentrated weight of 250 pounds at mid span.

(c) The hand raising winch shall be provided with a control which will hold the auger at any angle of inclination, and respond only to handle actuation. It shall not be necessary to disengage such control to lower the auger. The force required on the handle to raise or lower the auger manually shall not exceed 50 pounds.

(d) The wire rope lifting pulleys shall be grooved to fit the wire rope with which they are used.

(e) In order to avoid separation, a positive restraint shall be provided between the auger tube and the under-carriage lifting arm. Stops that restrict the maximum raised angle and minimum lowered angle shall be provided.

(f) Wire ropes (cables) shall be rust resistant and selected for the design load and service intended.

(g) Service and operation instructions provided the equipment operator shall include those basic practices for safe operation and servicing.

(4) All augers shall be covered or guarded when exposed to contact.

(5) Equipment manufactured after October 25, 1976, shall be guarded in compliance with the following specification:

(a) Sweep arm material gathering mechanisms used on the top surface of materials within silo structures shall be guarded. The lower or leading edge of the guard shall be located no more than 12 inches above the material surface and no less than 6 inches in front of the leading edge of the rotating member of the gathering mechanism. The guard shall be parallel to, and extend the fullest practical length of the material gathering mechanism.

(b) Exposed auger flighting on portable grain augers shall be guarded with either grating type guards or solid baffle style covers as follows:

(i) The largest dimensions or openings in grating type guards through which materials are required to flow shall be 4 3/4 inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer to the rotating flighting than 2 1/2 inches.

(ii) Slotted openings in solid baffle style covers shall be no wider than 1 1/2 inches, or closer than 3 1/2 inches to the exposed flighting.

(iii) Openings larger than those specified in (i) and (ii) of this subdivision may be permitted if necessary to permit the free flow of material which has a tendency to bridge over. Such opening shall be no larger than that required for proper functioning of the auger. In any case, the guard shall

be designed, arranged or located so that no part of a worker's person or appendage may contact the auger flighting.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-175 Farm field equipment guarding.**

(1) Power takeoff guarding.

(a) All power takeoff shafts, including rear, mid- or side-mounted shafts, shall be guarded either by a master shield, as provided in item (1)(b) of this subdivision, or by other protective guarding.

(b) All tractors shall be equipped with an agricultural tractor master shield on the rear power takeoff except where removal of the tractor master shield is permitted by item (1)(c) of this subdivision. The master shield shall have sufficient strength to prevent permanent deformation of the shield when a 250 pound operator mounts or dismounts the tractor using the shield as a step.

(c) Power takeoff driven equipment shall be guarded to prevent employee contact with positively driven rotating members of the power drive system. Where power takeoff driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection from that portion of the tractor power takeoff shaft which protrudes from the tractor.

(d) Signs shall be placed at prominent locations on tractors and power takeoff driven equipment specifying that power drive system safety shields must be kept in place.

(2) Other power transmission components.

(a) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets and idlers shall be guarded.

(b) All revolving shafts, including projections such as bolts, keys or set screws, shall be guarded, except smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

(c) Ground driven components shall be guarded in accordance with items ~~((2)(i)(2)(a)) and (2)(ii)(2)(b))~~ (2)(a) and (b) of this subdivision if any employee may be exposed to them while the drives are in motion.

(3) Functional components, such as snapping or husking rolls, straw spreaders and choppers, cutterbars, flail rotors, rotary beaters, mixing augers, feed rolls, conveying augers, rotary tillers, and similar units which must be exposed for proper function shall be shielded to a degree consistent with the intended function and operator's vision of the component.

(4) Access to moving parts. Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, ~~((the following~~

~~(a))~~ a safety sign warning the employee to:

~~((+))~~ (a) Look and listen for evidence of rotation; and ~~((+))~~ (b) Not remove the guard or access door until all components have stopped; and

~~((+))~~ (c) On equipment manufactured after October 25, 1976, a readily visible or audible warning of rotation.

(5) If the mounting steps or ladder and the handholds of the propelling vehicle are made inaccessible by installation



of other equipment, other steps and handholds shall be provided on the equipment.

(6) A slip-resistant means or material shall be provided on the operator's steps and platform to minimize the possibility of feet slipping.

(7) Ground-drive equipment shall be shielded or guarded as specified in WAC 296-306-165(12) if operators are exposed to drives while they are in motion.

(8) Additional requirements:

(a) A clutch or other effective means of stopping shall be used on powered machines not driven by an individual motor.

(b) All friction clutches shall have sufficient clearance and shall be kept adjusted to prevent any drag or creeping when disengaged.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-180 Farmstead equipment.** (1) Power takeoff guarding.

(a) All power takeoff shafts, including rear, mid- or side-mounted shafts, shall be guarded either by a master shield as provided in WAC 296-306-175 (1)(b) or other protective guarding.

(b) Power takeoff driven equipment shall be guarded to prevent employee contact with positively driven rotating members of the power drive system. Where power takeoff driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection from that portion of the tractor power takeoff shaft which protrudes from the tractor.

(c) Signs shall be placed at prominent locations on power takeoff driven equipment specifying that power drive system safety shields must be kept in place.

(2) Other power transmission components.

(a) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets and idlers shall be guarded.

(b) All revolving shafts, including projections such as bolts, keys, or set screws, shall be guarded, with the exception of:

(i) Smooth shafts and shaft ends (without any projecting bolts, keys, or set screws), revolving at less than 10 rpm, on feed handling equipment used on the top surface of materials in bulk storage facilities; and

(ii) Smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

(3) Functional components, such as snapping or husking rolls, straw spreaders and choppers, cutterbars, flail rotors, rotary beaters, mixing augers, feed rolls, conveying augers, rotary tillers and similar units, which must be exposed for proper function shall be shielded to a degree consistent with the intended function and operator's vision of the component.

(4) Access to moving parts.

(a) Guards, shields and access doors shall be in place when the equipment is in operation.

(b) Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, ~~((the following:~~

~~((A))~~) a safety sign warning the employee to:

~~((A))~~ (i) Look and listen for evidence of rotation; and

~~((B))~~ (ii) Not remove the guard or access door until all components have stopped; and

~~((C))~~ (iii) On equipment manufactured after October 25, 1976, a readily visible or audible warning of rotation.

(5) Electrical disconnect means:

(a) Application of electrical power from a location not under the immediate and exclusive control of the employee or employees maintaining or servicing equipment shall be prevented by:

(i) Providing an exclusive, positive locking means on the main switch which can be operated only by the employee performing the maintenance or servicing; or

(ii) In the case of material handling equipment located in a bulk storage structure, by physically locating on the equipment an electrical or mechanical means to disconnect the power.

Minimum lock-out means shall meet the requirements of WAC 296-306-14507(3).

(b) All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type, except where:

(i) The employer can establish that because of the nature of the operation, distances involved and the amount of time normally spent by employees in the area of the affected equipment, use of the manual reset device would be infeasible;

(ii) There is an electrical disconnect switch available to the employee within fifteen feet of the equipment upon which maintenance or service is being performed; and

(iii) A sign is prominently posted near each hazardous component which warns the employee that unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.

(6) Additional guarding requirements:

(a) Carton or bag stitching machines shall be properly safeguarded to prevent persons from coming in contact with the stitching head and other pinch or nip points.

(b) The point of operation of all machines shall be guarded. The guard shall be so designed and constructed as to prevent the operator from having any part of his/her body in the danger zone during the operating cycle.

Note: Table K-2 prescribes the distances that point-of-operation guards shall be positioned from the danger line with relation to the size of the opening.

TABLE K-2

<u>Guarding Line or Distance of opening from point of operation hazard (inches)</u>	<u>Maximum width of opening (inches)</u>
<u>1/2 to 1 1/2</u>	<u>1/4</u>
<u>1 1/2 to 2 1/2</u>	<u>3/8</u>
<u>2 1/2 to 3 1/2</u>	<u>1/2</u>
<u>3 1/2 to 5 1/2</u>	<u>5/8</u>
<u>5 1/2 to 6 1/2</u>	<u>3/4</u>
<u>6 1/2 to 7 1/2</u>	<u>7/8</u>
<u>7 1/2 to 12 1/2</u>	<u>1 1/4</u>
<u>12 1/2 to 15 1/2</u>	<u>1 1/2</u>
<u>15 1/2 to 17 1/2</u>	<u>1 7/8</u>
<u>17 1/2 to 31 1/2</u>	<u>2 1/8</u>

**WSR 94-12-096**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 1, 1994, 11:45 a.m.]

Original Notice.

Title of Rule: WAC 296-15-02601 Group self-insurers admission of new numbers, termination of individual members, 296-15-060 Administrative cost assessment, 296-15-070 Accident reports and claims procedures, 296-15-072 Employer claim closures ((study)), and 296-15-160 Order on compensable claims.

Purpose: To respond to legislation by clarifying terminology, to simplify rules by eliminating duplication and to respond to customers' requests regarding group membership timeframe.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.04.020, 51.14.020, 51.14.030, 51.14.050, 51.14.060, 51.14.073, 51.14.120, 51.14.130, 51.14.140.

Summary: The amendments revise language to clarify terminology (comparable wages and benefits and processes (interlocutory orders)) to respond to legislation. They also eliminate duplication and update terminology and references to department forms. One amendment responds to customers' requests to shorten the time from notification of member termination from a group self-insurer to the date termination is effective.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Georgia C. Moran, Olympia, 956-6907.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments revise language to define "comparable wages and benefits" to respond to 1994 legislation and clarify the use of interlocutory orders. The amendments are also for housekeeping: To eliminate duplicate language, to update references to department sections to correspond with the department's reorganization and to update references to department forms. In addition, an amendment is proposed to respond to customers' requests to bring the date of a member's termination from a group self-insurer closer to the date of notification. Self-insurers will have clearer understanding of claim processes and procedures. Group self-insurers will have more effective control over the continuation of benefits following a member's termination from the group.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not because the rules do not impact any small businesses. In order to qualify to self-insure, a firm must demonstrate that financial ability to make certain the prompt payment of all foreseeable compensation and assessment required under the law. As such, only large firms are certified.

Hearing Location: Labor and Industries Headquarters, Rooms S117, S118, S119, 7273 Linderson Way, Tumwater, on July 8, 1994, at 10 a.m.

Submit Written Comments to: Georgia C. Moran, Program Manager of Self-Insurance, P.O. Box 44890, Olympia, 98504-4890, by July 8, 1994.

Date of Intended Adoption: August 15, 1994.

June 1, 1994  
Mark O. Brown  
Director

AMENDATORY SECTION (Amending Order 83-38, filed 3/1/84, effective 4/1/84)

**WAC 296-15-02601 Group self-insurers admission of new members, termination of individual members.** (1) After the inception date of the trust fund, prospective new members of the trust fund shall submit an application for membership to the board of trustees, or its administrator, on a form provided by the department. The trustees or administrator may approve the application for membership pursuant to the bylaws of the group self-insurers' trust fund. The application for membership shall then be filed with the department. Membership shall take effect the first day of the calendar quarter after reporting the approval to the department.

(2) Individual members may elect to terminate their participation in a group self-insurer's program or be subject to cancellation by the group trust fund pursuant to the bylaws of the group. Such termination or cancellation shall be effective at the end of the ~~((calendar quarter during))~~ month in which it was reported to the department.

(3) Contributions to the trust fund for purposes of meeting the requirements of WAC 296-15-02605 shall be paid under a schedule of dates and amounts specified by the group's board of trustees, subject to the following requirement: At no time during any coverage period shall the amount collected by the trust fund to apply to costs and/or reserves for that coverage period be less than the result obtained by multiplying the fraction of the coverage period which has elapsed by the total contribution expected to be necessary to satisfy requirements of WAC 296-15-02605 for the entire coverage period.

AMENDATORY SECTION (Amending WSR 93-11-064, filed 5/14/93, effective 6/14/93)

**WAC 296-15-060 Administrative cost assessment.** (1) Assessments levied by the department against each self-insurer shall be based on the self-insured employer's proportionate share of the administrative costs determined to be attributable to self-insurers, including expenses of ~~((the safety division, the industrial insurance))~~ other divisions of the department, the University of Washington environmental research facility, the board of industrial insurance appeals, appeals expenses and other general administrative expenses.

(2) The administrative assessment rate shall be determined on a fiscal year basis as prescribed in subsection (1) of this section. Employers certified to self-insure after the fiscal period for which costs were used to determine the assessment rate shall be assessed at a rate which does not include adjustments made for prior periods. The administrative assessment shall be based on the payments made on all

claims involving the self-insured employer: *Provided*, That in any event a self-insured employer shall be subject to the payment of a minimum quarterly assessment of twenty-five dollars.

(3) Administrative cost assessments shall be payable for each quarter, by the thirtieth day following the receipt of a quarterly report form supplied by the department (SIF #6). This quarterly report form shall also provide for payment of the supplemental pension fund assessment.

(4) A self-insured employer who has, or shall hereafter, voluntarily, or involuntarily, surrender his certification as a self-insurer shall pay an adjusted administrative assessment. The amount of this adjusted administrative assessment will be determined annually and shall represent such self-insurer's portion of the administrative assessment which can be attributed directly to the operational costs of the self-insurance section. This adjusted administrative assessment shall continue until such time as all liabilities and all responsibilities of such employer have been terminated. The amount of this adjusted administrative assessment shall in no case be less than \$25.00 per calendar quarter.

When such an employer has had no self-insured claim activity, excluding activity in cases of total permanent disability or death, for a period of one year, a request may be made to the department for a review to determine if there is a need to continue the adjusted administrative assessment, in which circumstances, the minimum assessment will not apply.

**AMENDATORY SECTION** (Amending WSR 90-14-009, filed 6/25/90, effective 8/1/90)

**WAC 296-15-070 Accident reports and claims procedures.** (1) Reporting of accidents shall be on a form prescribed by the department, entitled the self-insurer(~~(-s)~~) accident report (~~((SIF #2))~~ SIF-2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, (~~((within thirty days after such self-insurer has notice of the claim,))~~) a notice of denial of claim, substantially similar to the example (~~((SIF #4))~~ SIF-4 in WAC 296-15-21002. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a complete and accurate supplemental or final report on injury or occupational disease claims resulting in time loss payments, on a form substantially similar to labor and industries Form No. F207-005-000, self-insurer's report of occupational injury or disease(~~(-7-86))~~ (SIF-5) at the following times:

(a) Within five working days following the date the first time loss compensation is paid.

(b) Within five working days following the date the time loss compensation is terminated, reinstated, or the rate thereof changed. If time loss compensation is terminated due to the self-insurer's finding that the injured worker is not eligible for vocational rehabilitation services, the self-insurer

must attach the employability notification to the supplemental SIF-5.

(c) On the date a determination is requested or date temporary disability claim is closed.

(d) On all claims where vocational rehabilitation services have been provided, a rehabilitation outcome report must be submitted with the final (~~(SIF #5))~~ SIF-5.

All medical reports and other pertinent information in the self-insurer's possession not previously forwarded to the department must be submitted with the request for all determinations.

(4)(a) A self-insured employer shall, upon notice of an industrial injury, provide the injured worker with the opportunity to file a self-insurer accident report (SIF-2) and shall notify the worker of his/her rights and responsibilities under Title 51 RCW. A completed copy of the self-insurer accident report (SIF-2), with an assigned department claim number, is to be provided to the worker within five working days of the date an injured worker submits the SIF-2 to the employer.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (~~((F207-20))~~) (F207-020-111), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

The self-insurer shall submit monthly statistical information on medical only claims closed during the month by copy of the accident report (~~((SIF #2))~~ SIF-2). In medical only claims where vocational rehabilitation services have been provided, the self-insurer shall submit a rehabilitation outcome report with the self-insurer(~~(s)~~) accident report (SIF-2) at the time of reporting claim closure.

(c) A self-insurer, upon closure of a temporary disability claim, shall issue an order on a format substantially similar to labor and industries Form No. F207-070-000, self-insured (~~(employer's)~~) employers' time loss claim closure order and notice(~~(-7-86))~~). The self-insurer shall send a copy of the closing order and final SIF-5 to the claimant and the department at the time of closure of a temporary disability claim.

(d) When the department requests claim information by certified mail, the self-insurer shall submit all information in its possession dealing with the claim in question, within ten working days from the date of receipt of such certified mail.

(e) In any case where the department or the self-insured employer has issued an appealable order on a (~~(medical-only))~~ medical only claim, all subsequent orders in that claim shall be issued by the department.

(f) When an application for reopening of claim for aggravation of condition is received by a self-insured employer or its authorized representative, it shall be the responsibility of the self-insured employer to forward it to the department within five working days from the date of receipt.

~~((5) Self insurers may close temporary disability claims with the date of injury occurring July 1, 1986, through June 30, 1990, and occupational disease claims filed July 1, 1986, through June 30, 1990. Self insured claims that involve a permanent partial disability, an order issued by the department resolving a disagreement, or return to work with a~~

different employer are not subject to closure by the self-insurer.))

AMENDATORY SECTION (Amending Order 86-35, filed 8/28/86)

WAC 296-15-072 Employer claim closures ((study)). ~~((A study shall be conducted to determine if self-insured employers are administering claim closure in a proper manner. The study shall include issues involving proper payment of time loss benefits, correctness of claim closure including attending physician concurrence, conditions and duration of reemployment, and correct application of the rehabilitation laws. Protests to claim closures and the outcome of these protests will also be considered. The study will be accomplished by having department disability adjudicators review self-insured temporary disability closures and compile the statistics. This staff will review documents submitted to the department and employer's workers' compensation files. A form will be used to ensure consistency and objectivity in the study. The special assessment base shall be the total claim payments as defined for the administrative cost assessment in WAC 296-15-060.))~~ (1) A self-insurer may close certain compensable claims if the following criteria is met:

- (a) The claim was accepted after June 30, 1986;
- (b) At the time medical treatment is concluded, it does not involve permanent disability;
- (c) The department has not intervened; and
- (d) The worker has returned to work with the employer of record either at the worker's previous job or at a job that has comparable wages and benefits.

(2) Upon closure, the self-insurer must submit to the department a copy of the closing order and an SIF-5 pursuant to the provisions of WAC 296-15-070.

(3) If within two years of closure, the department determines that the self-insurer has made an error in the payment of benefits or discovers a violation of the conditions of claim closure, the department may require the self-insurer to correct the benefits paid or payable. The application of RCW 51.32.240 is not limited by this provision.

(4) For the purpose of determining whether a worker has returned to a job that has "comparable wages and benefits" under this rule, the new wages and benefits cannot exceed a five percent loss in comparison to those received in the previous job held by the worker at the time of the industrial injury.

(5) This rule does not affect self-insured employers' ability to close noncompensable claims.

AMENDATORY SECTION (Amending Order 86-25, filed 7/1/86)

WAC 296-15-160 Order on ((compensable)) self-insured claims. ~~((In all cases the department shall issue an allowance, segregation or interlocutory order))~~ (1)(a) Upon receipt of an ((SIF #5 from a self-insured employer, which reports)) SIF-5 reporting the first payment of time loss compensation ((as required by WAC 296-15-070)), the department will issue an allowance, segregation or interlocutory order unless a request for denial has been received on an ((SIF #4)) SIF-4.

(b) In cases of medical or treatment only claims where claim allowance is at issue, a request for denial (SIF-4) or a request for an interlocutory order (SIF-5) must be submitted within sixty days from the date the claim is filed.

(2) Interlocutory orders ((shall only)) may be issued upon the application for such by a self-insurer. Such orders will be issued at the discretion of the department ((and only when)). The request from the self-insurer must be accompanied by substantiating documentation and a reasonable explanation as to why an investigation is in order ((accompanies the request from the self-insurer)).

(3) Interlocutory orders shall be effective ((for a period of sixty days commencing on)) from the date the self-insurer has knowledge or notice of the industrial injury or occupational disease ((, after which time an allowance or rejection order shall be issued)). During this period, the claim shall remain in provisional status.

(4) All orders shall be issued in accordance with RCW 51.52.050.

**WSR 94-12-001**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 92-41—Filed May 18, 1994, 4:02 p.m.]

Date of Adoption: May 18, 1994.

Purpose: To reduce duplication with vessel sound level measurement procedures, chapter 352-67 WAC, and to simplify a requirement for training of local enforcement personnel.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-70 WAC; and amending chapters 173-58 and 173-60 WAC.

Statutory Authority for Adoption: Chapter 70.107 RCW.

Pursuant to notice filed as WSR 94-05-037 on February 8, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 May 18, 1994  
 Mary Riveland  
 Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-70-010 Introduction.
- WAC 173-70-020 Definitions.
- WAC 173-70-030 Identification of receiving property environments.
- WAC 173-70-040 Standards.
- WAC 173-70-050 Exemptions.
- WAC 173-70-060 Nuisance regulations not prohibited.
- WAC 173-70-070 Future standards.
- WAC 173-70-080 Implementation schedules.
- WAC 173-70-090 Enforcement.
- WAC 173-70-100 Appeals.
- WAC 173-70-110 Cooperation with local government.
- WAC 173-70-120 Effective date.

**AMENDATORY SECTION** (Amending Order DE 78-19, filed 3/22/79)

**WAC 173-58-010 Introduction.** (1) Authority. Statutory authority for the guidance and direction contained in these procedures is authorized by chapter 70.107 RCW, the Noise Control Act of 1974.

(2) Purpose. The purpose of these rules is to establish standardized procedures for the measurement of sound levels of sources regulated by the department of ecology, including, but not limited to, environmental noise, ((watercraft,)) motor racing vehicles, construction, float planes, railroads, and aircraft engine testing. Vessels, as defined in RCW 88.12.010 (21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-58 WAC.

(3) Personnel. For the purposes of enforcement, ~~((personnel shall have received training in the use of equipment and proper site selection. Certification of competence in the use of the sound level measurement procedures established in this chapter shall be provided by~~

~~the department of ecology upon a showing that the enforcement personnel can perform these procedures to the satisfaction of the department. Certification is not required for enforcement personnel to use the procedures described in this chapter, however training may be given only by persons certified by the department))~~ the measurements shall be conducted only by persons qualified by training in the use of sound measuring equipment and proper site selection.

(4) These regulations will be amended as needed to include any new instrumentation, equipment, or procedures which the department shall deem necessary to accurately measure sound levels for enforcement purposes.

**AMENDATORY SECTION** (Amending Order DE 78-19, filed 3/22/79)

**WAC 173-58-020 Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.
- (2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department of ecology.
- (5) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.
- (6) "Impulse sound" means either a single pressure peak or a single burst of multiple pressure peaks which occur for a duration of less than one second as measured on a peak unweighted sound level meter.
- (7) "Local government" means county or city government or any combination of the two.
- (8) "Noise" means the intensity, duration and character of sounds, from any and all sources.
- (9) "Operator" means any person who is in actual physical or electronic control of a ((powered watercraft,)) motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.
- (10) "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified in WAC 173-60-040 shall not be exceeded from sources outside such property.

(14) "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.

(15) "Sound level meter" means a device or combination of devices which measures sound pressure levels and conforms to Type 1, Type 2, or Type 3 standards as specified in the American National Standards Institute Specification S1.4-1971. An impulse sound level meter shall be a peak or impulse, unweighted sound level meter which is capable of measuring impulse sound in conformance with the Type 1 or Type 2 specifications of ANSI S1.4-1971.

~~((16) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water. A new watercraft is any watercraft with an internal or external combustion engine which has been manufactured after December 31, 1979, and for which the equitable or legal title has never been transferred to a person who, in good faith, purchases the new watercraft and/or engine for purposes other than resale.))~~

AMENDATORY SECTION (Amending Order DE 78-19, filed 3/22/79)

~~WAC 173-58-090 ((Watercraft sound level measurement procedure.)) **Reserved.** ((This section establishes specific procedures for the measurement of watercraft sound levels.~~

~~(1) Initial inspection. An initial inspection may be made to determine if the watercraft shall be required to undergo the pass by measurement described in subsections (2), (3), and (4) of this section.~~

~~(a) A Type 3 or better sound level meter shall be used to measure the sound level of any watercraft. The microphone shall be located in a boat or on a dock and no closer than 2 feet from any surface of the boat or dock.~~

~~(b) The watercraft shall be measured as it passes at a distance not less than 50 feet from the microphone.~~

~~(c) The enforcement officer shall require the watercraft operator to submit to a pass by or exhaust system sound level measurement if the initial inspection level is within 2 dBA of, or greater than, the levels established in WAC 173-70-040(3).~~

~~(2) Test site and instrumentation set up. The test site and instrumentation shall be set up as follows:~~

~~(a) The test site shall be a calm body of water, large enough to allow full speed pass bys. The area around the microphone and boat shall be free of large obstructions, other than the deck or platform on which the microphone is standing, such as buildings, boats, hills, large piers, breakwater, etc., for a minimum distance of 100 feet (30 m). Three markers (buoys or posts) shall be placed in line, 50 feet (15 m) apart, to mark the course the boat is to follow while being tested.~~

~~(b) The sound level meter shall be a Type 2 or better. The microphone shall be placed 50 feet (15 m) from the line determined by the three markers, normal to the line and opposite the center marker. It shall also be placed 4-5 feet (1.2-1.5 m) above the water surface and no closer than 2 feet (0.6 m) from the surface of the deck or platform on which the microphone stands, as near to the end of the deck or platform as possible or overhanging the end of the deck or platform.~~

~~(3) Watercraft operation. The watercraft shall pass within 1-3 feet (0.3-0.9 meter) on the far side of all three markers, on a straight course.~~

~~(a) Watercraft which weigh less than 7,000 lbs. gross weight shall be operated according to the following procedure. The watercraft shall approach the first marker at idle speed. When the bow is even with the first marker, the engine shall be immediately accelerated to its full throttle RPM range. The watercraft shall continue to accelerate until its bow passes the third marker.~~

~~(b) Watercraft which weigh 7,000 lbs. or more gross weight shall be operated at the midpoint of the manufacturer's recommended maximum continuous (or "cruise") RPM range,  $\pm$  100 RPM. The watercraft shall be at this speed when it passes the first marker, and shall continue to operate at this speed until its bow passes the third marker.~~

~~(4) Measurement. The watercraft sound level shall be measured as follows:~~

~~(a) The sound level meter shall be set for fast response and on the "A" weighting scale.~~

~~(b) The meter shall be observed during the entire passby. The applicable reading shall be the sound level obtained as the stern of the watercraft passes the middle marker. Peaks due to unrelated ambient noise, water noise from waves or wakes, propeller cavitation noise, or extraneous impulsive type noise shall be excluded. At least two measurements shall be made for each side of the watercraft. All values shall be recorded.~~

~~(c) The sound level for each side of the watercraft shall be the average of the two highest readings which are within 1 dBA of each other, rounded to the nearest 0.5 dBA. The reported sound level shall be that of the loudest side of the watercraft.~~

~~(5) New watercraft shall be tested according to the specifications of the SAE J34 measurement procedure.))~~

AMENDATORY SECTION (Amending Order 74-32, filed 4/22/75, effective 9/1/75)

**WAC 173-60-010 Authority and purpose.** These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW 88.12.010(21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-60 WAC.

AMENDATORY SECTION (Amending Order DE 82-42, filed 7/19/83)

**WAC 173-60-020 Definitions.** (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is

20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

(9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

~~((15) "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water.))~~

**AMENDATORY SECTION** (Amending Order DE 82-42, filed 7/19/83)

**WAC 173-60-050 Exemptions.** (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: *Provided*, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: *Provided*, That the startup operation is performed during daytime hours whenever possible.

~~(j) ((Sounds created by watercraft.~~

~~((k)))~~ Sounds created by the discharge of firearms in the course of hunting.

~~((+)))~~ ~~(k)~~ Sounds caused by natural phenomena and unamplified human voices.

~~((+)))~~ ~~(l)~~ Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

~~((+)))~~ ~~(m)~~ Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

**AMENDATORY SECTION** (Amending Order DE 77-1, filed 6/1/77)

**WAC 173-60-070 Future regulations.** It is the intention of the department to establish use standards and/or performance standards for the following sources of noise exempted or partially exempted from the requirements of this chapter within two years after adequate legislative funding is made available to conduct studies providing the necessary data.

(1) Sounds created by aircraft engine testing and maintenance not related to flight operations, through the adoption of a new chapter 173-64 WAC.

(2) Sounds created by construction equipment and emanating from construction sites, through the adoption of a new chapter 173-66 WAC.

(3) Sounds created by motor vehicle racing events, through the adoption of a new chapter 173-63 WAC.

(4) ~~((Sounds created by watercraft, through the adoption of a new chapter 173-70 WAC.~~

(5)) Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad, to the extent consistent with federal law and regulations through the adoption of a new chapter 173-72 WAC.

**WSR 94-12-002**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed May 19, 1994, 10:51 a.m.]

Date of Adoption: May 18, 1994.

Purpose: To prescribe the application process and distribution of moneys to school districts for the 1994-95 Student learning improvement grants.

Statutory Authority for Adoption: RCW 28A.300.138.

Other Authority: The Biennial Operating Appropriations Act.

Pursuant to notice filed as WSR 94-04-122 on February 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: Revised proposed rules to conform to ESHB 2850 and 1994 supplemental budget. Includes revised purpose of grants, inclusion of classified employees in approval process and allows classified employee participation. Also, rules revised in response to testimony and letters received by the Office of Superintendent of Public Instruction to change date when applications must be filed with the Office of Superintendent of Public Instruction and allow more options for counting staff for allocation purposes.

Effective Date of Rule: Thirty-one days after filing.

May 18, 1994  
Judith A. Billings  
Superintendent of  
Public Instruction

**NEW SECTION**

**WAC 392-140-500 1994-95 Student learning improvement grants—Applicable provisions—Statutory authority.** WAC 392-140-500 through 392-140-519 apply to the application process, distribution of moneys to school districts and reporting for student learning improvement grants pursuant to RCW 28A.300.138 and 28A.305.145 (HB 1209, Education Reform—Improvement of Student Achievement as amended by ESHB 2850, chapter 245, Laws of 1994 sp. sess.) and section 512(1), chapter 8, Laws of 1994 sp. sess. (the state Operating Appropriations Act).

**NEW SECTION**

**WAC 392-140-501 1994-95 Student learning improvement grants—Purpose of student learning improvement grant.** As used in WAC 392-140-500 through 392-140-519, the purpose of student learning improvement grant pursuant to RCW 28A.300.138 and 28A.305.145 and section 512(1), chapter 8, Laws of 1994 sp. sess., is site-based planning activities and staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210 as amended by section 101, chapter 336, Laws of 1993 (HB 1209, Education Reform—Improvement of Student Achievement).

**NEW SECTION**

**WAC 392-140-503 1994-95 Student learning improvement grants—Definition—School district.** As used in WAC 392-140-500 through 392-140-519, "school district" means the same as defined in WAC 392-140-069 and the Washington state school for the deaf and the Washington state school for the blind.

**NEW SECTION**

**WAC 392-140-504 1994-95 Student learning improvement grants—Definition—Eligible school district.** As used in WAC 392-140-500 through 392-140-519, "eligible school district" means a school district whose board of directors has completed adoption of policies regarding the involvement of school staff, parents, and community members in instructional decisions. "Eligible school district" also means the Washington state school for the deaf and the Washington state school for the blind provided policies regarding sharing of instructional decisions with school staff and parents are adopted.

**NEW SECTION**

**WAC 392-140-505 1994-95 Student learning improvement grants—Definition—School.** As used in WAC 392-140-500 through 392-140-519, "school" means the same as defined in RCW 28A.150.020 and for which enrollment is reported on Form P-105A:

(1) For 1993-94; or



(2) For 1994-95, 1995-96, or 1996-97 for schools opening after 1993-94.

"School" also means the Washington state school for the deaf and the Washington state school for the blind.

#### NEW SECTION

**WAC 392-140-506 1994-95 Student learning improvement grants—Definition—Eligible school-based application.** As used in WAC 392-140-500 through 392-140-519, "eligible school-based application" means an application for a student learning improvement grant by a school in an eligible school district in the format prescribed by SPI that contains assurances that the application:

- (1) Has been developed by school personnel, parents, and community members;
- (2) Enumerates all specific activities to be carried out as part of the grant and all such specific activities are consistent with the purpose of student learning improvement grants;
- (3) Identifies the technical resources desired and their availability;
- (4) Includes a proposed budget in the format prescribed by SPI;
- (5) Is approved by the school principal and representatives of teachers, classified employees, parents, and the community;
- (6) Is approved by the school district board of directors after the board conducted at least one public hearing on the application; and
- (7) Is submitted to SPI by the school district not later than June 3, 1994.

#### NEW SECTION

**WAC 392-140-507 1994-95 Student learning improvement grants—Definition—Approved application.** As used in WAC 392-140-500 through 392-140-519, "approved application" means an eligible school-based application approved by SPI. If a school-based application is consistent with the purposes of the student learning improvement grant program and meets the eligibility requirements stated in WAC 392-140-506, SPI will approve the application by June 30, 1994.

#### NEW SECTION

**WAC 392-140-508 1994-95 Student learning improvement grants—Definition—Certificated employee.** As used in WAC 392-140-500 through 392-140-519, "certificated employee" means the same as defined WAC 392-121-200.

#### NEW SECTION

**WAC 392-140-509 1994-95 Student learning improvement grants—Definition—Full-time equivalent (FTE) certificated staff.** As used in WAC 392-140-500 through 392-140-519, "full-time equivalent (FTE) certificated staff" means the number of certificated employees using the methodology prescribed in WAC 392-121-215 except that the term "certificated" shall be substituted for the term "basic education certificated instructional" in WAC 392-211-215.

#### NEW SECTION

**WAC 392-140-510 1994-95 Student learning improvement grants—Definition—Form S-275.** As used in WAC 392-140-500 through 392-140-519, "Form S-275" means the same as defined in WAC 392-121-220.

#### NEW SECTION

**WAC 392-140-511 1994-95 Student learning improvement grants—Definition—FTE certificated staff employed in a school.** As used in WAC 392-140-500 through 392-140-519, "FTE certificated staff employed in a school" means the FTE certificated staff reported, as of December 30, 1993, on Form S-275 for the 1993-94 school year with assignment duty codes between 200 and 503 and assigned to a school. A school district may request that SPI use an alternate number of FTE certificated staff employed in a school. The district must submit the total alternative FTE certificated staff in each school to SPI and maintain documentation available for audit which verifies the data reported. The following options may be used.

(1) If the total FTE certificated staff employed in the district increased after October 1, 1993, the district may select any school day during the 1993-94 school year prior to May 31, 1994. The school district must calculate supplemental FTE certificated staff using the process outlined in WAC 392-140-480 through 392-140-485: *Provided*, That the terms "P-12" and "certificated staff employed in a school" shall be substituted, in those rules, for the terms "K-3" and "basic education certificated instructional employee or a basic education classified instructional assistant." The total alternative FTE certificated staff in each school is the sum of supplemental FTE certificated staff and the FTE certificated staff in each school reported on Form S-275 by December 30, 1993.

(2) For purposes of the grant allocation FTE certificated staff reported on Form S-275 by December 30, 1993, may be transferred when:

- (a) The district elects to transfer certificated staff FTE from an existing school to a school not open in 1993-94; or
- (b) The district elects to consolidate FTE certificated staff of an individual assigned to various schools into a single school; or

(c) There are FTE certificated staff who work in a district school but are reported as employees of another school district or educational service district: *Provided*, That both districts must elect to report alternative FTE certificated staff which includes the prorated portion of these FTE certificated staff; or

(d) An individual is reported with:

- (i) A building code assignment reported, pursuant to page twenty-one of the SPI Form S-275 instructions for 1993-94, as a building which is not a school; and
- (ii) Assignment duties between 200 and 503; and
- (iii) The majority of time spent in various schools within the district.

(3) Districts which failed to report or reported incorrect data on Form S-275 as of December 30, 1993, may recalculate FTE certificated staff in a school based upon corrected Form S-275 data reported not later than May 31, 1994.

(4) Any combination of subsections (1), (2) and (3) of this section.

FTE certificated staff shall be determined for the Washington state school for the deaf and the Washington state school for the blind in a similar manner.

#### NEW SECTION

**WAC 392-140-512 1994-95 Student learning improvement grants—Definition—Allocation rate.** As used in WAC 392-140-500 through 392-140-519, "allocation rate" means the lesser of eight hundred dollars or the available appropriation for student learning improvement grants for the 1994-95 school year divided by the total number of certificated staff employed in schools with approved applications.

#### NEW SECTION

**WAC 392-140-516 1994-95 Student learning improvement grants—Allocation of moneys.** SPI shall allocate for each school that has an approved application in an eligible school district an amount of money equal to the product of the allocation rate multiplied by the FTE certificated staff employed in the school. The sum of the total allocations for all schools in the school district shall be the district's maximum student learning improvement grant allocation. The school district shall submit claims pursuant to WAC 392-140-518 for payment of its allocation.

#### NEW SECTION

**WAC 392-140-517 1994-95 Student learning improvement grants—Conditions and limitations on expenditures.** Expenditure of moneys by school districts allocated pursuant to WAC 392-140-500 through 392-140-519 is subject to the following conditions and limitations:

- (1) Allocated moneys shall be expended according to the budget that is part of each school-based application.
- (2) Allocated moneys shall not be expended for indirect costs.
- (3) Allocated moneys shall be expended for the 1994-95 school year.
- (4) Allocated moneys may be claimed for grant-related activities conducted during the period of July 1, 1994, through June 30, 1995.
- (5) School districts shall account for expenditures in program 58, Special and Pilot Programs, State. The Washington state school for the deaf and the Washington state school for the blind shall account for expenditures in a similar manner.
- (6) School districts shall report to SPI as provided in WAC 392-140-518.

#### NEW SECTION

**WAC 392-140-518 1994-95 Student learning improvement grants—School district reporting.** School districts shall submit claims for student learning improvement grant allocations to SPI prior to June 15, 1995, on forms prescribed by SPI. Claims shall be submitted after the expenditures being claimed are incurred, except that expenditures occurring during the month of June 1995 are to be claimed in June 1995 prior to June 15.

#### NEW SECTION

**WAC 392-140-519 1994-95 Student learning improvement grants—Recovery of unexpended grants.** Each school district claiming expenditures for the month of June 1995 shall notify SPI in writing prior to August 1, 1995, if the actual expenditures for June 1995 were less than the expenditures reported for June 1995 pursuant to WAC 392-140-518. The superintendent of public instruction shall compare each school district's total student learning improvement grant allocation made pursuant to WAC 392-140-516 and its direct expenditures reported pursuant to WAC 392-140-518 and this section. If the allocation exceeds expenditures, the difference shall be recovered.

**WSR 94-12-006  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)**

[Order 3736—Filed May 19, 1994, 3:44 p.m.]

Date of Adoption: May 19, 1994.

Purpose: Increases the consistency between these rules and related Washington state rules and policies addressing travel, per diem, and compensation; and clarifies the meaning of parts of the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 275-156-010 Definitions, 275-156-015 Limitation of funds, 275-156-020 Maximum allowable reimbursement for civil commit cost, 275-156-025 Billing procedure, and 275-165-030 Exceptions.

Statutory Authority for Adoption: RCW 71.09.050 and 43.20A.050.

Pursuant to notice filed as WSR 94-07-087 on March 17, 1994.

Changes Other than Editing from Proposed to Adopted Version: None. Edited (1)(c) ". . . the presiding judge" to state ". . . the trial judge . . ."; edited (3)(c) last paragraph and changed ". . . presiding judge. . ." to ". . . trial judge . . ."; edited subsection (5) from ". . . by a policy agency . . ." to ". . . by a police agency . . ."; and edited WAC 275-156-015(3) and changed "investigative" to "investigation."

Effective Date of Rule: Thirty-one days after filing.

May 19, 1994

Dewey Brock, Chief  
Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3447, filed 8/27/92, effective 9/27/92)

**WAC 275-156-010 Definitions.** (1) "Attorney cost" means the fully documented (~~prosecutorial and defense~~) fee directly related to the violent sexual predator civil commitment process for:

- (a) A single assigned prosecuting attorney;
- (b) When the person is indigent, a single court-appointed attorney; and
- (c) Additional counsel, when additional counsel is approved by the trial judge for good cause. Said fee includes the cost of paralegal services.

(2) "Department" means the department of social and health services.

(3) "Evaluation by expert cost" means a county-incurred service fee ~~((as the result of))~~ directly resulting from the completion of a comprehensive examination and/or a records review, by a single examiner selected by the county, of a person:

(a) Investigated for "sexually violent predator" probable cause;

(b) Alleged to be a "sexually violent predator" and who has had a petition filed; or

(c) Committed as a "sexually violent predator" and under review for release.

In the case where the person is indigent, "evaluation by expert cost" includes the fee for a comprehensive examination and/or records review by a single examiner selected by the person examined. When additional examiners are approved by the trial judge for good cause, "evaluation by expert cost" includes the cost of additional examiners.

(4) ~~((Incremental))~~ Incidental cost means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable to the trial of a person alleged to be a "sexually violent predator."

(5) ~~((Judicial cost means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for judges which shall include court clerk and bailiff services, court reporter services, transcript typing and preparation, expert and nonexpert witnesses, jury, and jail facilities.))~~ "Investigative cost" means a cost incurred by a police agency or other investigative agency in the course of investigating issues specific to:

(a) Filing or responding to a petition alleging a person is a "sexually violent predator;" or

(b) Testifying at a hearing to determine if a person is a "sexually violent predator."

(6) ~~((Law enforcement cost means a cost incurred by a police agency investigating issues specific to:~~

~~(a) Filing a petition alleging a person is a "sexually violent predator;" or~~

~~(b) A hearing to determine if a person is a "sexually violent predator."~~

(7)) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

~~((8))~~ (7) "Secretary" means the secretary of the department of social and health services.

~~((9))~~ (8) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having been found to be, a "sexually violent predator," to and from a sexual predator program facility.

(9) "Trial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for:

(a) Judges, including court clerk and bailiff services;

(b) Court reporter services;

(c) Transcript typing and preparation;

(d) Expert and nonexpert witnesses;

(e) Jury; and

(f) Jail facilities.

AMENDATORY SECTION (Amending Order 3263, filed 10/8/91, effective 11/8/91)

**WAC 275-156-015 Limitation of funds.** The department shall:

(1) Reimburse funds to a county when funds are available;

(2) Limit a county's reimbursement to costs of civil commitment trials or hearings as described under this chapter;

(3) Restrict a county's reimbursement to documented ~~((law enforcement))~~ investigation, expert evaluation, attorney, transportation, ~~((judicial))~~ trial, incidental, and medical costs;

(4) Not pay a county a cost under the rules of this section ~~((and))~~ when said cost is otherwise reimbursable under law;

(5) Pay a county's claim for a trial or hearing occurring during each biennium in the order in which the claim is received at the ~~((department's))~~ office of accounting services, special commitment center, until the department's biennial appropriation is expended.

AMENDATORY SECTION (Amending Order 3447, filed 8/27/92, effective 9/27/92)

**WAC 275-156-020 Maximum allowable reimbursement for ~~((law enforcement))~~ civil commitment cost.** The department shall reimburse a county for actual costs incurred ~~((during the period July 1, 1990, through June 30, 1992;))~~ up to the maximum allowable rate as specified:

(1) Attorney cost - Up to forty-nine dollars and forty-one cents per hour;

(2) Evaluation by expert cost - Actual costs, within reasonable limits, plus travel and per diem according to state travel policy;

(3) ~~((Judicial))~~ Trial costs:

(a) Judge - Up to forty-six dollars and five cents per hour ~~((These county costs shall include court clerk and bailiff services));~~

(b) Court reporters - Up to twenty dollars and seventy-one cents per hour;

(c) Transcript typing and preparation services - Up to four dollars and thirteen cents per page;

(d) Expert witnesses - Actual costs within reasonable limits plus travel and per diem according to state travel policy;

(e) Nonexpert witnesses - ~~((Up to thirty one dollars and thirteen cents per day))~~ Actual compensation, travel and per diem paid to witnesses, provided compensation is in accordance with chapter 2.40 RCW and state travel policy;

(f) ~~((Jury - Thirty one dollars and thirteen cents per day))~~ Jurors - Actual compensation, travel, and per diem paid to jurors provided compensation is in accordance with chapter 2.36 RCW and state travel policy;

(g) Jail facilities - Thirty dollars per day.

(4) ~~((Law enforcement cost - Up to twenty dollars and sixty six cents per hour;~~

~~((5))~~ Investigative cost - Up to twenty dollars and sixty-six cents per hour. Medical costs - Up to fifty dollars per day, not to exceed five consecutive days; and

~~((6))~~ (5) Transportation cost - ((Up to twenty six cents per mile, plus the cost of one meal for transporting staff, if transport exceeds eleven consecutive hours)) Actual compen-

sation paid to transport staff, plus mileage and per diem at the rate specified in the state travel policy.

**AMENDATORY SECTION** (Amending Order 3263, filed 10/8/91, effective 11/8/91)

**WAC 275-156-025 Billing procedure.** (1) When a county requests the department reimburse a county's cost, the county shall:

(a) Make a claim using the state of Washington invoice voucher, Form A 19 1-A; ~~((and))~~

(b) Attach to the claim necessary documentation, support, and justification materials;

(c) Report expenses billed by the hour in one-quarter hour increments unless smaller increments are provided to the county by the vendor; and

(d) Include the name of the person for whom the costs were incurred and the cause number when it exists.

(2) The department may subject a county's claim documentation to periodic audit at the department's discretion ~~((of the department))~~.

(3) Only an authorized administrator, or the county administrator's designee, may submit to the department a request for a county's cost reimbursement.

~~((A county's reimbursement claim shall contain the name of the person for whom costs were incurred.~~

~~((5))~~ (5) A county shall submit a reimbursement claim to the department within thirty days of final costs incurred to assure proper handling of the claim.

~~((6))~~ (5) When a county submits a reimbursement claim, the county shall submit a reimbursement claim to the ~~((department of social and health services))~~ special commitment center, offices of accounting services.

~~((7))~~ (6) If the department's reimbursement appropriation becomes exhausted before the end of a biennium, a county may continue to make a claim for reimbursement. The department may use the reimbursement claim to justify a request for adequate department funding during future biennia.

**AMENDATORY SECTION** (Amending Order 3263, filed 10/8/91, effective 11/8/91)

**WAC 275-156-030 Exceptions.** (1) The secretary may grant exceptions to the rules of this chapter.

(2) A county seeking an exception shall ~~((make))~~ request the exception ((request using the DSHS exception request Form, DSHS 05-210(X), and file it with)), in writing from the secretary or secretary's designee.

(3) The department ~~((will))~~ shall deny a claim which does not follow the rules of this chapter unless the secretary or secretary's designee granted an exception before the claim was filed.

**WSR 94-12-009  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 94-23—Filed May 19, 1994, 3:57 p.m.]

Date of Adoption: April 1, 1994.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-015, 220-20-021, 220-20-025, 220-33-060, 220-44-020, 220-44-030, 220-48-001, 220-48-005, 220-48-011, 220-48-015, 220-48-016, 220-48-017, 220-48-019, 220-48-028, 220-48-031, 220-48-041, 220-48-051, 220-48-061, 220-48-071, 220-49-005, 220-49-011, 220-49-012, 220-49-013, 220-49-014, 220-49-017, 220-49-020, 220-49-021, 220-49-023, 220-49-024, 220-49-056, 220-49-057, 220-49-063, 220-49-064, 220-52-010, 220-52-018, 220-52-019, 220-52-01901, 220-52-020, 220-52-030, 220-52-040, 220-52-043, 220-52-046, 220-52-050, 220-52-060, 220-52-063, 220-52-066, 220-52-068, 220-52-069, 220-52-070, and 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 94-03-106 on January 19, 1994; and WSR 94-12-007 on May 19, 1994.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-20-025, delete "irritant" for "irritant chemicals," in order to require a permit for any chemical use to take octopus; WAC 220-44-020, clarify that herring species licenses are the licenses required, should a herring fishery be authorized; WAC 220-44-090, exempt bottomfish taken in Canadian territorial waters from far offshore delivery requirements; WAC 220-48-015, expand trawl closure area to all waters inside 60 fathoms from Slip Point to Kydaka Point, withdraw closure of 21A, reestablish 3 foot minimum trawl depth restriction in Area 23B and include Area 29 in 60 foot minimum trawl depth; WAC 220-49-012, establish smelt purse seine gear as lawful gear and provide gear specifications; WAC 220-52-010, provide for shellfish pot gear to be covered at all tide stages; and WAC 220-52-046, clarify soft shell crab fishery requirement to prevent vessel from fishing both south and north of line, not fisher.

Effective Date of Rule: Thirty-one days after filing.

April 25, 1994  
Mary Lou Mills  
for Robert Turner  
Director

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-16-015 General definitions—Trawl gear.**

(1) "Otter trawl" shall be defined as a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Otter trawl nets may be used both on and off the seabed. Otter trawl nets may be fished with or without trawl doors, and may employ warps or cables to direct fish. Otter trawl nets are restricted to the following three categories:

(a) "Bottom trawl" means an otter trawl in which the otter boards or the footrope of the net contact the seabed, and includes Danish and Scottish seine gear.

(b) "Roller trawl" or "bobbin trawl" are identical, and mean an otter trawl with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which protects the net during fishing on the seabed.

(c) "Pelagic trawl" means an otter trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. Pelagic trawl

nets may not have footropes protected at the trawl mouth with rollers, bobbins, or discs:

(2) "Beam trawl" shall be defined as a type of bottom trawl, consisting of a bag-shaped trawl net utilizing a beam to spread the mouth of the net horizontally as it is towed and not having weighted otter frames or otter doors. The minimum mesh size for beam trawl nets is four and one-half inches in a food fish fishery and one and one-half inches in a shrimp fishery, unless otherwise provided.

(3) "Shrimp trawl" shall be defined as a tapered, funnel-shaped trawl net in which the mesh size is two inches or less in the intermediate and codend sections of the trawl. Otter doors, otter boards, or a beam may be used to spread the mouth of the net horizontally as it is towed. The mouth of the net is formed on the upper edge by a line to which floats are attached (headrope) and on the lower edge by a line which is usually weighted (footrope). Additional webbing is frequently attached to the codend section to prevent the net from chafing.

(4) "Scallop dredge" shall be defined as trawl gear with ~~((interlocking metal ring meshes))~~ a leading rigid frame opening with a trailing bag of metal rings or net mesh, which is legal gear for harvest of scallops.

(5) "Codend" shall be defined as the terminal, closed end of a trawl net.

(a) Single-walled codend is a codend constructed of a single wall of webbing knitted with single-ply mesh, or with double-ply mesh (double twine tied into a single knot).

(b) Double-walled codend is a codend constructed of two walls of webbing. The double-walled portion of the codend must be tied knot-to-knot to the trawl net, and may not be longer than twenty-five trawl meshes or twelve feet, whichever is greater. The use of double-walled codends is unlawful in pelagic trawls, roller trawls, and bobbin trawls.

(6) "Chafing gear" shall be defined as webbing or other material attached to the bottom (underside) or around the codend of a trawl net to protect the codend from wear. Chafing gear must not be connected to the terminal (closed) end of the codend.

(7) "Trawl riblines" shall be defined as heavy ropes or lines that run down the sides, top or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

(8) "Trawl mesh size" shall be defined as the distance between the inside of one knot and the inside of the opposite vertical knot in trawl mesh. Minimum trawl mesh size requirements are met if a wedge of legal size can be passed without undue force through sixteen of twenty sets of two meshes each of wet mesh in the codend.

AMENDATORY SECTION (Amending Order 85-24, filed 4/1/85)

**WAC 220-20-021 Sale of commercially caught sturgeon and bottomfish.** (1) It shall be unlawful for any person while engaged in commercial fishing for sturgeon or bottom fish to:

(a) Keep in excess of ~~((three))~~ two sturgeon not less than 48 inches in length nor more than ~~((72))~~ 66 inches in length or more than the equivalent of one limit of sport caught bottom fish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the

Sekiu River must be greater than ~~((22))~~ 26 inches in length and may not exceed 40 inches in length.

(b) Sell any sturgeon or bottom fish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under subsection (1)(b) of this section.

(2) It shall be unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

AMENDATORY SECTION (Amending Order 90-15, filed 3/1/90, effective 4/1/90)

**WAC 220-20-025 General provisions—Shellfish.** (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257.

(2) It is unlawful to possess any soft-shelled crab for any purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to use any ~~((irritant))~~ chemicals when taking or fishing for octopus except for persons granted a scientific collector's permit from the department for the harvest of octopus for display or scientific purposes.

(5) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(6) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

**WAC 220-33-060 Herring and anchovies.** It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

#### Gear

(1) Purse seine~~((s))~~ and lampara~~((, or round haul))~~ gear may be used to fish for herring or anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear ~~((does not exceed))~~ is not less than one-half inch stretch measure.

**Licensing**

(2)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(b) A herring purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

(c) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(d) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

**Fishing periods**

((2)) (3) Purse seine(;) and lampara(;-or-round-haul) gear may be used to fish for herring or anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

**General**

((3)) (4) Species of fish other than herring or anchovies taken in the operation of the purse seine(;) and lampara(;-or-round-haul) gear shall be returned immediately to the water.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-44-020 Coastal baitfish gear. ((+)) It ((shall-be)) is unlawful to ((take,)) fish for or possess smelt, anchovies, candlefish, herring or pilchard taken for commercial purposes ((with purse seine, drag seine, or gill net gear)) from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, or 60A, ((and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone)) except as provided for in this section.

((2)) (1)(a) It ((shall-be)) is unlawful to ((take,)) fish for ((and)) or possess smelt taken for commercial purposes except by hand net gear not exceeding 72 inches maximum frame width ((in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, and 60A)). It is unlawful to take smelt for commercial purposes ((in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, and 60A)) during weekly closed periods ((extending)) from 8:00 a.m. Friday to 8:00 a.m. Sunday.

(b) Licensing: A smelt dip bag net fishery license is the license required to operate the gear provided for in this section.

(c) Incidental catch: It is lawful to retain only anchovies and candlefish taken incidental to a lawful smelt fishery.

((3)) (2)(a) It ((shall-be-lawful)) is unlawful to ((take,)) fish for ((and)) or possess ((for-commercial-purposes sturgeon, shad,)) candlefish(;) or anchovies ((and-pilchards taken in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A, and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone)) taken for commercial purposes with any ((lawful-commercial-fishing)) gear except purse seine or lampara not exceeding 1,400 feet in length nor having mesh size less than 1/2 inch, or dip bag net not exceeding 72 inches maximum frame width.

**(b) Licensing:**

(i) A baitfish lampara fishery license is the license required to operate the lampara gear provided for in this section.

(ii) A baitfish purse seine fishery license is the license required to operate the purse seine gear provided for in this section.

(iii) A smelt dip bag net fishery license is the license required to operate the hand dip net gear provided for in this section.

(c) Incidental catch: It is lawful to retain only shad taken incidental to a lawful anchovy or candlefish fishery. Any sturgeon must be released unharmed.

((4)) (3)(a) It ((shall-be)) is unlawful ((except-by permit to take and fish for herring for commercial purposes or possess herring taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A, and that portion of Area 58 within the United States 200-mile Fishery Conservation and Management Zone with any type of gear)) to fish for or possess herring or pilchard taken for commercial purposes except as authorized by permit issued by the director.

**(b) Licensing:**

(i) An emerging commercial fishery license is the license for a permittee to fish for or retain pilchard.

(ii) Herring dip bag net, herring drag seine, herring gill net, herring lampara or herring purse seine are the licenses for a permittee to fish for or retain herring.

AMENDATORY SECTION (Amending Order 92-07, filed 3/6/92, effective 4/16/92)

WAC 220-44-030 Coastal bottomfish gear. It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 29, 59A, 59B, 60A and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone with any gear except as provided in this section:

(1) Otter trawl and beam trawl.

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches.

(b) It is unlawful to use or operate any bottom roller or bobbin trawl having meshes less than 4.5 inches. A bottom roller or bobbin trawl must have a minimum of two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend if the fishing vessel is simultaneously carrying aboard a net of less than 4.5-inch minimum mesh size.

Chafing gear must not be connected directly to the terminal (closed) end of the codend. For all bottom roller or bobbin trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(c) On roller or bobbin trawls, chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(d) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6 inches. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweeplines, including the bottom leg of the bridle, must be bare.

(e) It is unlawful to use double wall codends in any trawl gear.

(f) Licensing: A food fish trawl—non-Puget Sound fishery license is the license required to operate the gear provided for in this section.

(2) Set lines.

(a) It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

(3) Bottomfish pots.

(a) It is unlawful for the operator of bottomfish pots to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

(4) Commercial jig gear. Licensing: A bottomfish jig fishery license is the license required to operate the gear provided for in this section.

(5) Troll lines. ((It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, except that in any coastal waters it is lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.)) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

(6) ((Shrimp trawls. It is unlawful in any coastal waters, to retain for commercial purposes more than 1,500 pounds per day of any bottomfish species other than Pacific whiting, shortbelly rockfish or arrowtooth flounder taken with shrimp trawl gear incidental to a lawful shrimp fishery.

(7) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(8) It is unlawful to take or possess lingcod taken for commercial purposes with any gear from December 1 through April 14 in Coastal Marine Fish-Shellfish Management and Catch Reporting Area 59B.)) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken.

(b) It is unlawful to take salmon incidental to any lawful bottomfish fishery.

(c) It is lawful to retain sturgeon taken incidental to any lawful bottomfish fishery, provided the sturgeon could be lawfully taken.

(d) It is unlawful to retain any species of shellfish taken incidental to any lawful bottomfish fishery, except that it is lawful to retain octopus and squid.

#### NEW SECTION

**WAC 220-44-090 Far offshore fishery.** It is unlawful for any fisher to transport through the waters of the state, or land in any Washington state port, bottomfish taken without the exclusive economic zone (more than 200 miles offshore) except as provided for in this section:

(1) Any fisher may transport bottomfish through the waters of the state or land bottomfish taken without the exclusive economic zone provided:

(a) The fisher has, at least 48 hours prior to participating in the far offshore fishery, notified the department by either writing to the Marine Fish-Shellfish Division, Washington State Fisheries, 48A Devonshire Road, Montesano, WA 98563 or telephoning the department during regular business hours Monday through Friday to (206) 586-6129. The fisher must provide the following information: Vessel name and official number; anticipated fishing dates; anticipated port of landing; and

(b) The fisher has made the vessel available for a hold inspection, if required to do so by the department, prior to departure to participate in the far offshore fishery; and

(c) The fisher has notified the department at least 24 hours prior to landing bottomfish at any Washington state port. The fisher must provide the following information: Port of landing; estimated date and time of landing; estimated species composition and weight of fish aboard.

(2) It is unlawful for any fisher to fish within or land fish taken from within the exclusive economic zone during any trip for which a declaration to participate in the far offshore fishery has been made.

(3) Fishers participating in the far offshore fishery are required to be properly licensed in order to land bottomfish into a Washington state port.

(4) This section does not apply to bottomfish which have been previously landed in another state, territory or country, does not apply to delivery by vessels other than the catcher vessel and does not apply to bottomfish taken in Canadian territorial waters.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

**WAC 220-48-001 Puget Sound bottomfish gear.** It is unlawful to fish for or possess bottomfish taken for commercial purposes in Puget Sound ((with any gear)) except as ((follows:

(1) Beam trawl and otter trawls, which include bottom trawl, roller trawl, and pelagic trawl.

(2) Set lines.

(3) Commercial jig.



- (4) Troll lines.  
 (5) Drag seines.  
 (6) Bottomfish pots.  
 (7) Set nets, which include Pacific cod set nets and dogfish set nets)) provided for in this chapter.

Note: Gear specifications and seasons are provided for in the rest of chapter 220-48 WAC.

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-48-005 Puget Sound bottomfish—General provisions.** (1) It is unlawful to possess any English sole less than 12 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with any commercial gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess any lingcod less than 26 inches in length or greater than 40 inches in length taken by any commercial gear in all state waters east of the mouth of the Sekiu River.

(5) It is unlawful to possess lingcod taken with any commercial gear from December 1 through April 14 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29.

(6) It is unlawful to possess lingcod taken by any commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, and 25E.

(7) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-063 and 220-52-066.

**(8) Incidental catch.**

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except that it is lawful to retain octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

**AMENDATORY SECTION** (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

**WAC 220-48-011 Beam trawl and otter trawl—Gear.** (1)(a) **Mesh sizes.** It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend

section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(b) It is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less than 3 inches while fishing for Pacific whiting during the seasons provided in WAC 220-48-017 (1) and (2).

**(2) Chafing gear.**

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

**(3) Roller trawl.**

(a) It is unlawful to use a roller trawl in Puget Sound except in Marine Fish-Shellfish Management and Catch Reporting Area 29.

(b) It is unlawful to use a roller trawl ((equipped with rollers, bobbins, or corkie discs (excluding wing tip bobbins) greater than 4 inches in diameter)) that does not conform to the gear requirements in WAC 220-44-030.

**AMENDATORY SECTION** (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

**WAC 220-48-015 Beam trawl and bottom trawl—Seasons.** (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Those waters of Area 23C between a line projected due north from Slip Point to a line projected due north from Kydaka Point are closed to trawl fishing the entire year in waters shallower than 60 fathoms.

(e) All of Area 25A is closed February 1 through April 15 of each year, and those waters of Area 25A lying southerly and westerly of a line projected from Klapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

~~(2) ((It is unlawful to take, fish for, or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 25E except on Monday through Thursday from December 1 through February 14 with the following exception: Those waters of Area 25E lying southerly of a line~~



~~projected from Mill Point due east to the opposite shore, are closed the entire year.~~

(3)) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

((4)) (3) It is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 25A, 25B, or ((25E)) 29, and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River.

#### NEW SECTION

##### **WAC 220-48-016 Pelagic trawl—Gear—Licensing.**

(1) A food fish trawl—Puget Sound fishery license is a license required to operate pelagic trawl and allows the operator to retain whiting and other bottomfish taken in all Puget Sound catch areas except 24B, 24C and 26A.

(2) A whiting—Puget Sound fishery license is a license required to operate pelagic trawl and allows the operator to retain whiting and other bottomfish taken in all Puget Sound catch areas open to pelagic trawl.

AMENDATORY SECTION (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

**WAC 220-48-017 Pelagic trawl—Seasons.** It is unlawful to take, fish for and possess bottomfish taken with pelagic trawl gear except in the Marine Fish-Shellfish Management and Catch Reporting Areas and during the times as follows:

(1) ~~((Area 24C south of a line projected due west from the flashing red light northwest of Lowell Point—Open Monday through Thursday, October 1 through January 14 unless otherwise provided.~~

(2) ~~Area 26A—Open Monday through Thursday, October 1 through January 14.~~

(3) ~~Areas 24B, that portion of 24C south of a line projected due west from the flashing red light northwest of Lowell Point, and 26A—Open Monday and Wednesday, January 15 until the in season quota is taken but not beyond May 15 in any case.~~

(4)) Areas 20A and 20B - Open February 16 through April 15.

((5)) (2) In any area at any time so designated by a permit issued by the director of the department ((of fisheries)).

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

**WAC 220-48-019 Roller trawl—Seasons.** It is lawful to use roller trawls in ~~((the same areas and during the same seasons as bottom trawl))~~ Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 the entire year.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

**WAC 220-48-028 Set net—Dogfish—Gear.** (1) It is lawful to take, fish for and possess dogfish with set net gear as described below:

(a) Maximum four nets, per vessel each net having a length not to exceed 1,000 feet.

(b) Net depth must not exceed 25 meshes.

(c) Net mesh must not be less than 5 inches.

(d) Net web material must be no finer than 210/30 denier nylon which is regular seine thread size number 12, or 0.048 inches in diameter.

(e) Dogfish set net tags, issued by the department of fisheries for the current year must be affixed to buoys on each end of each net.

(2) Licensing: A dogfish set net fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-48-031 Set line—Gear.** (1) It is unlawful to take, fish for, and possess bottomfish in Puget Sound except with set line gear as described below:

((4)) (a) Hook size must not be smaller than size 7/0 for Kirby style hooks or size 8 for tuna circle style hooks.

((2)) (b) Gangions made of single strand monofilament synthetic material are unlawful.

((3)) (c) Set lines must be marked at the surface at each terminal end as described in WAC 220-20-010(5).

(2) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

**WAC 220-48-041 Commercial jig—Gear.** (1) It is lawful to fish for and possess bottomfish with commercial jig gear.

(2) Licensing: A bottomfish jig fishery license is the license required to operate commercial jig gear in Puget Sound.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

##### **WAC 220-48-051 Troll lines—Bottomfish—Gear.**

(1) It is lawful to take, fish for, and possess bottomfish with troll line gear as specified below, unless otherwise provided:

((4)) (a) No more than two troll lines per vessel.

((2)) (b) No more than four spreads per line.

((3)) (c) The top spread can not be more than twenty-four feet from the weight on the end of the line.

(2) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

**WAC 220-48-061 Drag seines—Gear.** (1) It is lawful to take, fish for, and possess bottomfish, unless otherwise provided, with drag seine or beach seine gear as described below:

((+)) (a) Seines must not be longer than 350 feet in length.

((2)) (b) Net mesh must not be smaller than 1/2 inch stretch measure.

(2) Licensing: A food fish drag seine fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-48-071 Bottomfish pots—Gear and seasons.** (1) It shall be unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, except in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

((+)) (a) Areas 20A, 21A, 21B, 23A, and 23B - Open April 15 through November 30.

((2)) (b) Areas 23C and 23D - Open December 1 through April 14.

((3)) (c) Area 29 - Open all year.

((4)) (d) All other areas are closed the entire year, except by permit from the director.

(2) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

NEW SECTION

**WAC 220-49-005 Puget Sound baitfish—Definitions—General provisions.** It is unlawful to fish for or possess Puget Sound baitfish taken for commercial purposes except at the times, during the seasons and using the gear provided for in this chapter. "Baitfish" as used in this chapter means herring, candlefish (or sandlance), anchovy, pilchard (or Pacific sardine) and smelt.

AMENDATORY SECTION (Amending Order 1105, filed 12/28/73)

**WAC 220-49-011 Herring, candlefish, anchovy ((and)), pilchard and smelt fishing—Lawful gear—Drag seine.** (1) Lawful drag seine gear in the Puget Sound herring, candlefish, anchovy ((and)), pilchard ((fishery)) and smelt fisheries shall not exceed 350 feet in length or contain meshes less than 1/2 inch stretch measure.

(2) Licensing:

(a) A food fish drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain baitfish other than herring.

(b) A herring drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 76-148, filed 12/2/76)

**WAC 220-49-012 Herring, candlefish, anchovy ((and)), pilchard and smelt fishing—Purse seine.** (1) Lawful purse seine gear in the Puget Sound herring, candlefish, anchovy, and pilchard ((fishery)) fisheries shall not exceed 600 feet in length or contain meshes less than 1/2-inch stretch measure((, except that in Areas 20A, 20B, 21A, and 21B, lawful purse seine gear shall not exceed 1,650 feet in length)) unless otherwise authorized by permit from the director.

(2) Lawful purse seine gear in the Puget Sound smelt fishery shall not exceed 350 feet in length nor contain meshes less than 1/2 inch stretch measure.

(3) Licensing:

(a) A baitfish purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain baitfish other than herring.

(b) A herring purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 1105, filed 12/28/73)

**WAC 220-49-013 Herring, candlefish, anchovy ((and)), pilchard and smelt fishing—Dip bag net.** (1) Lawful dip bag net gear in the Puget Sound herring, candlefish, anchovy, and pilchard ((fishery)) fisheries shall not exceed 18 ((feet)) square ((or 18)) feet ((in diameter)). Lawful dip bag net gear in the Puget Sound smelt fishery shall not exceed 36 inches across the frame.

(2) Licensing:

(a) A smelt dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and other baitfish other than herring.

(b) A herring dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

**WAC 220-49-014 Herring, candlefish, anchovy, pilchard and smelt fishing—Lampara.** (1) Lawful lampara gear in the Puget Sound herring, candlefish, anchovy, and pilchard ((fishery)) fisheries shall not exceed 200 feet in length or contain meshes less than 1/2-inch stretch measure. Lampara gear is not lawful gear for taking smelt in Puget Sound.

(2) Licensing:

(a) A baitfish lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain baitfish other than smelt or herring.

(b) A herring lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

AMENDATORY SECTION (Amending Order 89-48, filed 6/22/89)

**WAC 220-49-017 Herring, candlefish, anchovy ((and)), pilchard and smelt fishing—Otter trawl and gill net.** (1) It is unlawful to fish for herring, candlefish, anchovy, ((øf)) pilchard or smelt using otter trawl gear or gill net gear except as authorized by permit issued by the director.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-49-020 Herring, candlefish, anchovy and pilchard—Seasons—Lawful gear—Purposes.** It shall be unlawful to take, fish for or possess for commercial purposes herring, candlefish, anchovy or pilchards in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Areas 20A, 20B, 21A, and 21B.

(a) Closed September 1 through ~~((April 15))~~ May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

~~(b) ((Open April 16 through May 31, with purse seine, lampara, dip bag net, and gill net, except as provided in WAC 220-49-021.~~

~~(e))~~ Open June 1 through August 31 with drag seine, purse seine, lampara, and dip bag net for bait and human consumption only ~~((except as provided in subsection (4) of this section)).~~

(2) It is unlawful to use purse seine gear in any Puget Sound area except 22A, 22B, 23A, 23B, 23C, 23D, and 29. Areas 22A and 22B are open the entire year to purse seine gear, except for closures set out in subsections (4) and (5) of this section. Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear the entire year.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas ((22A, 22B, 23A, 23B, 23C, 23D, and 29)) - Open entire year with drag seine, ((purse seine,)) lampara, and dip bag net for human consumption or bait only except ((as provided in subsection (4) of this section.

~~(3) Areas 24A, 24B, 24C, 24D, 25A, 25B, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D— Open entire year, with drag seine, lampara, or dip bag net, for human consumption or bait only except as provided in subsection (4) of this section: *Provided*, That it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess herring with any net gear which exceeds 200 feet in length, except drag seine gear (350 foot length).~~

(4) ~~The director may authorize by permit the taking of herring in specified areas, quantities, and times, for emergency use as food for zoo animals; permit application requires written certification from the zoo director that no other source of herring suitable for zoo food is available and the shortage will damage the health or well being of the zoo animals in custody of the zoo director)) for closures set out in subsections (4) and (5) of this section.~~

(4) The following areas are closed the entire year to all gear except dip bag net gear:

(a) Waldron Island - Waters of Cowlitz Bay inside of a line from Sandy Point to Point Disney, and the small bay on the east side of the island.

(b) Stuart Island - Waters of Reid Harbor.

(c) Swinomish Channel - Waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin.

(5) The following areas are closed from January 16 through April 15, except to dip bag net gear:

(a) Central San Juan Islands - Waters of Area 22A south of a line from Limestone Point on San Juan Island to Steep Point on Orcas Island, north of a line from Pear Point on San Juan Island to Rock Point on Lopez Island, west of a line projected true south from Deer Point on Orcas Island to landfall on Blakely Island, west of a line projected true north from Fauntleroy Point on Decatur Island to landfall on Blakely Island, and west of a line projected true south from the Lopez Pass navigation light on south Decatur Island to landfall on Lopez Island. Notwithstanding the provisions of this subsection, the following waters are open to purse seine and lampara the entire year: Those waters inside of a line from the northern end of Humphrey Head northwesterly to the northern end of Upright Head, from Twin Rocks west to Buck Bay, from Buck Bay south to Bald Bluff, and from Bald Bluff to the northern end of Humphrey Head.

(b) Roche Harbor and Wescott Bay - Waters of Area 22A south of a line projected true east from McCracken Point to landfall on San Juan Island and east of a line projected from the Kellett Bluff navigation light on Henry Island to Bellevue Point on San Juan Island.

(c) Areas 22B, 24A, 24B, and 24D.

(d) Waters of Area 25A south of a line from Dungeness light to McCurdy Point.

(e) Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

(f) Areas 25D and 25E.

(g) Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

(h) Area 26C.

(i) Waters of Area 26D north of a line from Neill Point to Piner Point.

(j) Waters of Area 27A north of a line from South Point to Lofall and contiguous waters of 27A south of a line projected true east from Hazel Point including all waters of Dabob and Quilcene Bays.

(k) Waters of Area 27B north of a line from Triton Head to Tekiu Point.

(l) Waters of Area 27C east of a line from Ayers Point to Union.

(m) Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.

(n) Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.

(o) All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.

AMENDATORY SECTION (Amending Order 76-148, filed 12/2/76)

**WAC 220-49-021 Herring**~~(, candlefish, anchovy and pilchard fishing—Weekly periods)~~ **for zoo food.** (1) It ~~(shall be)~~ is unlawful to take, fish for or possess herring~~(, candlefish, anchovy or pilchards in Areas 20A, 20B, 21A, and 21B from April 15 to May 31, except during weekly periods and daily hours hereinafter designated:~~

(1) ~~Weekly periods: Monday, Tuesday, and Thursday.~~

(2) ~~Daily hours: 8:00 a.m. to 6:00 p.m. on open days)~~

for any purpose except human consumption or fishing bait, except that the director may authorize by permit the taking of herring in specified areas, quantities and times for emergency use as zoo food for animals. Application for a zoo food permit requires written certification from the zoo director that no other source of herring is available and the shortage of suitable zoo food will damage the health or well-being of zoo animals.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

**WAC 220-49-023 Reporting.** ~~((+))~~ It shall be unlawful for the original receiver of ~~(herring taken)~~ spawn on kelp product from Puget Sound (Herring Fishing) Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31 to fail to report each calendar day's receipts by noon of the following working day to the (Washington) department ((of fisheries, Olympia, Washington;)) by telephone to (206) ((753-6637)) 902-2800 or by telefacsimile to (206) 902-2944.

~~((2) It shall be unlawful for original buyer of herring from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A or 21B to process or resell such herring until after the herring have been landed at a shore station-))~~

AMENDATORY SECTION (Amending Order 1105, filed 12/28/73)

**WAC 220-49-024 Herring, candlefish, anchovy and pilchard fishing—Live boxes—Identification.** All herring, candlefish, anchovy and pilchard live boxes or other devices for holding live bait shall have attached thereto the ~~((name and boat))~~ fishery license number(s) of the owner in plainly legible letters not less than 3 inches in height, clearly visible above the waterline. In the case of licensed dealers ~~((and boathouse operators))~~ the ~~((owner's name or corporation name and))~~ dealer's license number shall be displayed as described above. It shall be unlawful to fail to identify live boxes as prescribed in this section.

AMENDATORY SECTION (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

**WAC 220-49-056 Smelt fishing—Seasons.** It shall be unlawful ~~((during any open season))~~ to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

(1) Areas 20A and 21A - July 1 to April ~~((+))~~ 15.

(2) Area 22B - ~~((December 1 to April 14))~~ Closed the entire year.

(3) Areas 24A, 24B, 24C, and 24D - July 1 to April ~~((+))~~ 15.

(4) Areas 25A and 25E - November 1 to April ~~((+))~~ 15.

(5) Areas 26B, 26C, 26D, 27B, 27C, 28B, and 28C~~((, and 28D))~~ - October 1 to April ~~((+))~~ 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest.

(6) Areas 28A and 28D - September 1 to April 14.

(7) All other areas open the entire year.

AMENDATORY SECTION (Amending Order 1105, filed 12/28/73)

**WAC 220-49-057 Smelt fishing—Weekly periods.** It ~~((shall be))~~ is unlawful ~~((during any open season))~~ to ~~((take or))~~ fish for smelt for commercial purposes in Puget Sound except from 8:00 a.m. Sunday to 8:00 a.m. Friday and it ~~((shall be))~~ is unlawful to possess smelt taken for commercial purposes during such closed period.

AMENDATORY SECTION (Amending Order 91-08, filed 2/8/91, effective 3/11/91)

**WAC 220-49-063 Spawn on kelp ((permits)) licenses (SOK license)—Applications.** (1) Any herring fisher holding a herring ~~((validation))~~ fishery license under RCW 75.30.140 may participate in an auction for a spawn on kelp ~~((permits))~~ license (SOK license). Proof of current ~~((validation))~~ herring licensing must be presented before entering the auction. No more than one ~~((permit))~~ SOK license will be awarded to each ~~((validation))~~ herring license holder.

(2) The department shall offer ~~((spawn on kelp permits))~~ SOK licenses under the following conditions:

(a) The department shall establish a minimum acceptable bid for each ~~((permit))~~ license.

(b) ~~((Permits))~~ Licenses shall be offered by ~~((open and))~~ sealed bidding at auction. The ~~((permit))~~ license will be awarded to the bidder with the highest bid. In the event of tie bids, the tie breaker will be by coin toss.

(c) Each ~~((permit))~~ SOK license shall be auctioned separately. ~~((Sealed bids will be opened immediately after the open bidding and the permit will be awarded to the bidder with the highest bid. The successful))~~ Each bidder for a ~~((permit))~~ license must submit a certified check equal to the minimum acceptable bid prior to ~~((or at the conclusion of))~~ the bidding as a down payment on the winning bid price. ~~((If the winning bidder fails to submit a check the permit will be awarded to the next highest bidder submitting such check-))~~

(d) Bidding by proxy is allowed, provided the proxy holder has a power of attorney for the herring ~~((validation))~~ license holder represented.

(e) The successful bidder for a ~~((permit))~~ SOK license is required to sign and return to the department a copy of the ~~((spawn on kelp permit))~~ SOK license within 10 days after the award of a ~~((permit))~~ license together with the balance of the bid amount. Failure to return the ~~((permit))~~ license and bid balance will invalidate the award of the ~~((permit))~~ license and result in forfeiture of the deposit in the amount neces-

PERMANENT

sary to compensate the department for any damages. In such case the ~~((permit))~~ license shall be offered to the other bidders in descending order of their bid amount.

(f) If the ~~((permit))~~ license fails to be sold as described in (c) or (e) of this subsection, the ~~((permit))~~ license may be offered to any person possessing a herring ~~((validation))~~ license who offers the largest amount within a specified time period.

(g) The department may revoke the ~~((permit))~~ SOK license for noncompliance with the terms of the ~~((permit))~~ license. In case of ~~((permit))~~ license revocation, the bid amount shall be retained by the department.

**(3) Licensing:**

(a) Herring dip bag net, herring drag seine, herring lampara and herring purse seine licenses are licenses required to operate the respective gear and retain herring for the spawn on kelp fishery.

(b) A spawn on kelp fishery license is the license issued to a successful bidder and allows the holder to participate in the spawn on kelp fishery.

**AMENDATORY SECTION** (Amending Order 90-17, filed 3/8/90, effective 4/8/90)

**WAC 220-49-064 Spawn on kelp ~~((permit))~~ license (SOK license) contract conditions.** (1) ~~((Permit))~~ Spawn on kelp license (SOK license) contracts shall protect the environment, prevent waste, ensure compliance with applicable laws and regulations, and ensure faithful performance of lease terms and conditions.

(2) ~~((Permittees))~~ SOK licensees shall not sell any spawn on kelp to anyone who is not a licensed wholesale dealer, except that the ~~((permittee))~~ licensee may be a licensed wholesale dealer, and, after completing a state of Washington fish receiving ticket, may sell the spawn on kelp to someone who is not a wholesale dealer.

(3) ~~((Spawn on kelp permits))~~ SOK licenses are transferable only in the case of hardship and then only to any person holding a herring ~~((validation))~~ fishery license except the SOK license is not transferable to a person currently holding a ~~((spawn on kelp permit))~~ SOK license. The transfer shall be made on a form provided by the department, and the transferee shall be subject to the same terms and conditions of the original ~~((permit))~~ SOK license. For purposes of this section, hardship means death or disablement of the licensee or loss of the licensee's vessel through no fault of the licensee.

(4) Every ~~((permittee))~~ SOK licensee may surrender the ~~((permit))~~ SOK license and shall be relieved of any obligation under the ~~((permit))~~ license except as otherwise provided. The ~~((permittee))~~ licensee must notify the department in writing of intention to surrender the ~~((permit))~~ license. If operations under the ~~((permit))~~ license have been conducted, the ~~((permittee))~~ licensee shall correct any adverse environmental effects caused by the operations, including but not limited to, release of any entrapped herring, removal of any herring enclosure, and placement of any herring spawn upon habitat suitable for hatch and release of herring fry. If the ~~((permit))~~ license is surrendered, the department will retain the amount of the bid.

(5) The ~~((permit))~~ SOK license shall provide for revocation for noncompliance with the terms of the ~~((per-~~

~~mit))~~ license. Grounds for revocation for noncompliance shall include, but not be limited to, failure to provide catch records as required, failure to provide required data on fishing and harvesting related activities, and failure to notify the department of anticipated times of fishing and harvesting. The ~~((permittee))~~ SOK licensee shall be notified, in writing, of noncompliance, the necessary corrective measures and the amount of time allowed to take corrective action. The ~~((permittee's))~~ licensee's remedying of the noncompliance within the specified time shall result in no revocation of the ~~((permit))~~ license. The ~~((permittee))~~ licensee may appeal any cancellation under chapter 34.05 RCW.

(6) The ~~((permit))~~ SOK license contract shall allow the ~~((permittee))~~ SOK licensee to conduct operations reasonably necessary for the production of spawn on kelp. Nothing in this section shall relieve the ~~((permittee))~~ licensee of any responsibility under applicable laws or regulations.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 220-49-015 Herring, candlefish, anchovy and pilchard fishing—Brush weir.
- WAC 220-49-016 Herring, candlefish, anchovy and pilchard fishing—Gill net.
- WAC 220-49-022 Herring, candlefish, anchovy and pilchard fishing—Special provisions—Closed areas.
- WAC 220-49-025 Herring, candlefish, anchovy, and pilchard fishing—Identification—Herring fishing vessel.
- WAC 220-49-026 Herring, candlefish, anchovy, and pilchard fishing—Identification—Herring buyer.
- WAC 220-49-055 Smelt fishing—Lawful gear.

**AMENDATORY SECTION** (Amending Order 88-28, filed 5/25/88, effective 8/22/88)

**WAC 220-52-010 Shellfish—Unlawful acts.** (1) ~~((It shall be unlawful to take, dig for or possess geoduck clams for commercial purposes except from registered aquatic farms under permit issued by the director or as provided in WAC 220-52-019.~~

~~((2) It shall be unlawful to take, dig for or possess clams taken for commercial purposes within the boundaries of any state park located on tidewater unless authorized by a permit issued by the director.~~

~~((3))~~ It ~~((shall be))~~ is unlawful to take oysters or clams for commercial purposes from tidelands reserved for public use unless authorized by a permit issued by the director.

~~((4))~~ (2)(a) It ~~((shall be))~~ is unlawful to take ~~((oysters, clams, or mussels))~~ shellfish for commercial purposes from state oyster reserves without ~~((being licensed under RCW 75.28.290 and having))~~ permission of the director of fisheries.

~~((5) It shall be unlawful to take from any building, seow, boat, live box, container, trap, net or vehicle any~~

~~caught or impounded shellfish with intent to deprive the rightful owner of such shellfish.~~

~~(6))~~ (b) Licensing: An oyster reserve fishery license is the license required to take shellfish for commercial purposes from state oyster reserves.

(3) All geoduck and mechanical clam harvester vessels shall be issued an identification number. It is unlawful to fail to place this number (~~((will be placed))~~) in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not have a fixed roof. The numbers shall be black on a white background and shall be not less than 18 inches high and of proportionate width.

~~((7))~~ (4) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the registered clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the registered clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the registered clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

~~((8))~~ (5)(a) It is unlawful to fish for or possess ghost or mud shrimp taken for commercial purposes unless authorized by a permit issued by the director.

(b) Licensing: A burrowing shrimp fishery license is the license required to take ghost or mud shrimp for commercial purposes.

(6) It is unlawful to set any shellfish pot gear such that the pot is not covered by water at all tide levels.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-52-018 Clams—Gear.** It shall be unlawful to take, dig for or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except that permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of fisheries subject to the following conditions:

(1) Any or all types of mechanical devices used in the taking or harvesting of shellfish must be approved by the director of fisheries.

(2) A separate permit shall be required for each and every device and the permit shall be attached to the specific unit at all times.

(3) All types of clams to be taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(4) The holder of a permit to take shellfish from tidelands by mechanical means shall limit operations to privately owned or leased land.

(5) The taking of clams from bottoms under navigable water below the level of mean lower low water by any mechanical device shall be prohibited except as authorized by the director of fisheries. Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices shall confine their operations to bottoms leased from the Washington department of natural resources, subject to the approval of the director of fisheries. The harvesting of shellfish from bottoms of the Pacific Ocean westward from the western shores of the state shall not be carried out in waters less than two fathoms deep at mean lower low water. In said waters more than two fathoms deep the director of fisheries may reserve all or certain areas thereof and prevent the taking of shellfish in any quantity from such reserves established on the ocean bottoms.

(6) Noncompliance with any part of these regulations or with special requirements of individual permits will result in immediate cancellation of and/or subsequent nonrenewal of all permits held by the operator.

(7) Applications must be made on the forms provided by the department of fisheries and permits must be in the possession of the operator before digging commences.

(8) All permits to take or harvest shellfish by mechanical means shall expire on December 31 of the year of issue.

(9) All mechanical clam harvesting machines must have approved instrumentation that will provide deck readout of water pressure.

(10) All clam harvest machines operating on intertidal grounds where less than ten percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately twenty-five percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

(11) Clam harvest machines operating in fine substrate material where less than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 3 feet (overall) and the maximum pump volume as specified by the department of fisheries commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

(12) Clam harvest machines operating in coarser substrate material where more than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 4 feet (overall) and a maximum pump volume as specified by the department of fisheries commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

(13) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they shall furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator shall thereafter modify the machine (install a sealed pressure relief valve) as specified by the department

of fisheries to conform with values set forth in either WAC 220-52-018 (11) or (12) of this section. Thereafter, it shall be illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine shall be included in the department of fisheries' clam harvest permit.

(14) All clam harvest machines shall be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement personnel.

(15) Each mechanical clam harvester must have controls so arranged and situated near the operator which will allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

(16) Licensing: A hardshell clam mechanical harvester fishery license is the license required to operate the mechanical harvester gear provided for in this section.

AMENDATORY SECTION (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-019 Geoduck clams—Gear and unlawful acts.** (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck ~~((gear))~~ fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

~~(11) ((It is unlawful to commercially harvest geoduck clams in areas which are shallower than 18 feet below mean lower low water (0.0 feet), or in areas shoreward from a line 200 yards seaward from and parallel to the line of ordinary high tide.))~~ It is unlawful to harvest geoduck clams in areas deeper than seventy feet below the water surface at any tide height.

~~(12) ((It is unlawful for any harvest vessel to anchor less than 600 feet from a previously anchored harvest vessel. Harvest vessels must remain at least 600 feet apart while divers are in the water.~~

~~(13))~~ Holders of geoduck ~~((gear))~~ fishery licenses ~~((issued under RCW 75.24.100 and WAC 220-52-01901))~~ shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

AMENDATORY SECTION (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-01901 Geoduck ~~((gear))~~ licenses.** (1) A geoduck ~~((gear))~~ fishery license issued by the director is required for the commercial harvest of geoduck clams. Geoduck ~~((gear))~~ fishery licenses were previously called "geoduck validations."

(2) Only persons holding current geoduck harvest agreements from the department of natural resources or their agents may apply for geoduck ~~((gear))~~ fishery licenses. An application for a geoduck ~~((gear))~~ fishery license must be on a form provided by the department, must be complete, and must be accompanied by a copy of the geoduck harvest agreement for which the license is sought.

(3) ~~((A geoduck gear license expires at the end of the calendar year following its issuance, or when the harvesting agreement for which it is issued terminates, whichever is earlier.~~

~~(4) The fee requirements of RCW 75.28.035 apply to any request to transfer a geoduck gear license or replace a lost geoduck gear license card.~~



~~(5))~~ Each geoduck (~~(gear)~~) fishery license authorizes the use of two water jets or other units of geoduck harvest gear. Gear must meet the requirements of WAC 220-52-019(2). A geoduck (~~(gear)~~) fishery license card is a "license card" under WAC 220-69-270.

~~((6))~~ (4) The director may suspend or revoke a geoduck (~~(gear)~~) license used in violation of commercial diving safety regulations, including 29 C.F.R. Part 1910, Subpart T, adopted under the Occupational Safety and Health Act of 1970. The procedures of chapter 34.05 RCW apply to such suspensions or revocations. If there is a substantial probability that a violation of commercial diving safety regulations could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the director may suspend the license immediately until the violation has been corrected. The director shall not revoke a geoduck (~~(gear)~~) license if the holder of the harvesting agreement corrects the violation within ten days of receiving written notice of the violation.

AMENDATORY SECTION (Amending Order 91-22, filed 4/23/91, effective 5/24/91)

**WAC 220-52-020 Clams—Puget Sound—Seasons and areas.** (1) It shall be unlawful to take, dig for or possess clams, cockles, borers, and mussels, not including geoduck clams, taken for commercial purposes from the tidelands of registered aquaculture farms in Puget Sound except during the following seasons:

(a) Those tidelands lying west of the tip of Dungeness Spit from November 1 through March 31.

(b) Elsewhere on Puget Sound the entire year.

(c) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2) It shall be unlawful to take, dig for or possess clams, cockles, borers and mussels except razor clams taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or by permit issued by the director.

AMENDATORY SECTION (Amending Order 91-22, filed 4/23/91, effective 5/24/91)

**WAC 220-52-030 Clams—Coastal—Seasons and areas.** (1)(a) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of registered aquaculture farms in Grays Harbor and Willapa Harbor the entire year.

(b) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2)(a) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from Washington waters except ~~((as provided for in subsection (3) of this section or))~~ during commercial razor clam seasons opened by emergency rule.

~~((3) It shall be lawful to possess razor clams for commercial purposes for use within the state of Washington that are lawfully taken from within the boundaries of the Quinault Indian Reservation.)~~ (b) Licensing: A razor clam

fishery license is the license required to take razor clams for commercial purposes.

AMENDATORY SECTION (Amending Order 91-22, filed 4/23/91, effective 5/24/91)

**WAC 220-52-040 Crab fishery—Lawful and unlawful.** (1) It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while fishing with said gear or having commercially caught food fish or other species of shellfish aboard.

(2) Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs, for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein.

(3) It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein: *Provided*, That following the close of a commercial crab season, permission may be granted by the director on a case-by-case basis for fishermen to recover shellfish pots that have become irretrievable due to extreme weather conditions. Fishermen must apply to fisheries patrol for such permission within twenty-four hours prior to the close of season.

(4) It is unlawful for any person to take, or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(5) It is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district with more than 100 shellfish pots or ring nets in the aggregate, and it shall be unlawful for any group of persons using the same vessel to take or fish for crabs for commercial purposes in Puget Sound with more than 100 shellfish pots or ring nets in the aggregate, provided it shall be unlawful for any person, or group of persons using the same vessel, to take or fish for crabs for commercial purposes with more than 20 shellfish pots or ring nets in the aggregate within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(6) It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department of fisheries personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.



(7) It is unlawful for any licensed fisher to fish for or possess Dungeness crab taken for commercial purposes with shellfish pot gear from Puget Sound waters unless the fisher has on his/her person a current Puget Sound crab pot/buoy brand certificate. The certificate shall contain space for: Vessel name; name of vessel operator(s); buoy brand(s) to be used; number of pots to be fished; Puget Sound endorsement number. The certificate may be obtained at a time and place specified by the director prior to the season opening upon inspection of all pots and buoys to be fished. Inspected gear must meet the requirements of legal gear as defined in WAC 220-20-010 and 220-52-043 in order to be certified. It is unlawful for a fisher to have aboard the fishing vessel or in the water more pots than the number shown on the certificate or to have buoys aboard the vessel with numbers other than those shown on the certificate. Upon inspection of gear, the certificate may be amended during the fishing season.

~~((8) It is unlawful for any person to take or possess for commercial purposes red rock crabs in the Puget Sound licensing district without having first obtained a license and permit to fish for red rock crabs for commercial purposes authorized by the director of the department of fisheries. The permit must accompany the fisher at all times while fishing for red rock crabs for commercial purposes and must be made available for inspection by any authorized representative of the department of fisheries.~~

~~(9) It is unlawful to take or possess tanner crab taken for commercial purposes from Marine Fish Shellfish Management and Catch Reporting Areas 58B, 59, or 60A without having in possession a permit issued by the director authorizing fishing activity for tanner crab.)~~

AMENDATORY SECTION (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-043 Crab fishery—Gear—Licensing.**

(1) It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

(3) All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. No buoys attached to commercial crab gear in Puget Sound may be half red in color and half white in color, as these colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(4) Licensing:

(a) A dungeness crab—Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain dungeness crab taken in Puget Sound.

(b) Crab pot—Puget Sound and crab ring net—Puget Sound fishery licenses are licenses required to operate the

gear provided for in this section, and allow the operator to retain crab other than dungeness crab taken in Puget Sound.

(c) Crab pot—non-Puget Sound and crab ring net—non-Puget Sound fishery licenses are licenses required to operate the gear provided for in this section and allow the operator to retain crab taken in state waters other than Puget Sound and offshore waters.

(5) Incidental catch: It is unlawful to retain salmon or shellfish other than octopus taken incidental to any lawful crab fishery.

AMENDATORY SECTION (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-046 Crab fishery—Seasons and areas.**

It is unlawful to fish for or possess Dungeness crabs taken for commercial purposes except during the lawful open seasons and areas as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except 25C, 27A, 27B, 27C, 28A, 28B, 28C, and 28D - open October 1 through April 15, provided that it is unlawful to set any crab gear prior to 9:00 a.m. on the opening day of the season.

(2) Coastal, Pacific Ocean, Grays Harbor, Willapa Harbor and Columbia River waters - open December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28 unless the coastal crab fishery is delayed, in which case the following provisions apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director will, by emergency rule, establish the softshell crab demarcation line.

(b) It is unlawful for a fisher to fish north of the softshell crab demarcation line for the first thirty days following the opening of a delayed season unless the fishery license holder or primary operator certifies that the vessel designated for use on that license did not participate in the coastal crab fishery south of the softshell crab demarcation line during the previous forty-five days. This certification is an instrument for purposes of RCW 40.16.030.

(c) Fishers may not set crab gear north of the softshell crab demarcation line more than sixty-four hours in advance of the season opening time.

AMENDATORY SECTION (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-050 Shrimp fishery—Coastal waters.**

It is unlawful to fish for or possess shrimp taken for commercial purposes from coastal waters except as provided for in this section:

(1) Trawl gear:

(a) Season - Open to trawl fishing April 1 through October 31 of each year.

(b) Gear restrictions - The following gear is prohibited:  
(i) Shrimp trawl gear having a mesh size greater than two inches in the intermediate or codend. It is lawful to have mesh larger than two inches in the wings or body of the trawl.

(ii) It is unlawful for any fisherman to be in possession of any gear having mesh size greater than two inches in the intermediate or codend while any shrimp are aboard the vessel.

(c) Species restriction - It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

(d) Licensing:

(i) A shrimp trawl—non-Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.

(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.

(2) Shellfish pot gear:

(a) Season - Open to shellfish pot gear fishing the entire year.

(b) Gear restrictions - No mesh restriction.

(c) Species restriction - It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

(d) Licensing:

(i) A shellfish pot fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.

(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.

(3) Minimum number of shrimp per pound:

The count must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This subsection applies only to loads of 3,000 pounds of shrimp or more.

(4) Incidental catch:

(a) It is unlawful to take salmon incidental to any shrimp fishery.

(b) It is unlawful to retain more than 1,500 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which ocean pink shrimp comprise more than one-half of the volume of shrimp aboard. It is unlawful to retain more than 1,000 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which spot prawns comprise more than one-half of the volume of shrimp aboard. If a species or species complex trip limit established under WAC 220-44-050 is less than 1,500 pounds or 1,000 pounds respectively, it is unlawful to land in excess of that trip limit.

(c) It is unlawful to retain any species of shellfish taken incidental to any lawful shrimp fishery, except that it is lawful to retain octopus and squid.

AMENDATORY SECTION (Amending Order 91-22, filed 4/23/91, effective 5/24/91)

**WAC 220-52-060 Crawfish fishery.** It is unlawful to fish for or possess crawfish taken for commercial purposes except as provided for in this section:

(1) General crawfish provisions:

(a) Crawfish may not be taken for commercial purposes with gear other than shellfish pots and no person may fish more than 400 pots.

(b) The open season for commercial crawfish fishing is first Monday in May through October 31, except in Washington waters of the Columbia River downstream from the mouth of the Walla Walla River crawfish may be taken from April 1 through October 31.

(c) The minimum commercial crawfish size is 3-1/4 inches in length from the tip of the rostrum (nose) to the tip of the tail and all undersize crawfish and female crawfish with eggs or young attached to the abdomen must be immediately returned unharmed to the waters from which taken. Fishermen must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed from the shellfish pot and prior to lifting additional pots from the water.

(d) Fishermen may not discard into any water of the state any crawfish bait.

(e) Crawfish fishing is not allowed within 1/4 mile of the shoreline of developed parks.

(f) The provisions of this section do not apply to the commercial culture of crawfish at a registered aquatic farm.

(2) It is unlawful to fish for crawfish for commercial purposes in the following waters:

**Clallam**

Anderson Lake  
Crescent Lake

**Clark**

Battleground Lake

**Cowlitz**

Merrill Lake

**Grant**

Deep Lake  
Potholes Res.  
Coulee Lake  
Soap Lakes  
Sun Lakes

**Grays Harbor**

Sylvia Lake

**Island**

Cranberry Lake

**Jefferson**

Anderson Lake

**King**

Cedar Lake  
Elbow Lake  
Green Lake  
Green River  
Margaret Lake  
Sammamish Lake  
Sammamish River  
Sammamish Slough  
Walsh Lake

**Kittitas**

Easton Lake

**Klickitat**

- Horsethief Lake
- Roland Lake

**Lewis**

- Mineral Lake

**Okanogan**

- Alta Lake
- Buffalo Lake
- Campbell Lake
- Conconully Lake
- Conconully Res.
- Crawfish Lake
- Omak Lake
- Osoyoos Lake
- Pearygin Lake

**Pacific**

- Middle Nemah River
- North Nemah River
- Smith Creek

**Pend Oreille**

- Browns Lake (on Brown Cr)
- Calispell Lake
- Cooks Lake
- Conklin Lake
- Davis Lake
- Half Moon Lake
- Mystic Lake
- No Name Lake
- Shearer Lake
- Vanee Lake

**Pierce**

- Clear Lake
- Spanaway Lake
- Steilacoom Lake
- Wapato Lake

**Skagit**

- Beaver Lake
- Caskey Lake
- Cranberry Lake
- Everett Lake
- Minkler Lake
- Pass Lake
- Sixteen Lake
- Whistle Lake

**Skamania**

- Goose Lake
- Mosquito Lake
- South Prairie Lake
- Stump (Tunnel) Lake

**Snohomish**

- Ballinger Lake
- Chaplain Lake
- Flowing Lake
- Goodwin Lake

- Ki Lake
- Martha Lake
- Pass Lake
- Roesiger Lake
- Serene Lake
- Shoecraft Lake
- Silver Lake
- Stevens Lake
- Stickney Lake
- Storm Lake

**Thurston**

- Deep Lake
- Hicks Lake
- Long Lake
- Patterson Lake
- Summit Lake
- Ward Lake

**Whatcom**

- Budd Lake
- Bug Lake
- Caine Lake
- Fishtrap Creek
- Johnson Creek
- Padden Lake
- Toad or Emerald Lake

(3) It is lawful for an individual fisherman to fish for crawfish in the waters set out below with up to the number of pots shown.

Name of Lake, River, or Slough	County	Max. Pots Allowed
Alder Lake (Res.)	Pierce/Thurston	200
Aldwell Lake (Res.)	Clallam	100
Alkali Lake	Grant	100
Bachelor Slough	Clark	100
Baker Lake	Whatcom	200
Banks Lake	Grant	200
Big Lake	Skagit	200
Black Lake	Thurston	200
Blue Lake	Grant	200
Bonaparte Lake	Okanogan	100
Buckmire Slough	Clark	100
Camas Slough	Clark	100
Campbell Lake	Skagit	100
Cassidy Lake	Snohomish	100
Cavanaugh Lake	Skagit	200
Chehalis River	Lewis/Grays Harbor	100
Chelan Lake	Chelan	200
Clear Lake	Skagit	100
Coal Creek Slough	Cowlitz	100
Columbia River	Clark, Cowlitz, etc.	200
Copalis River	Grays Harbor, etc.	100
Cowlitz River	Clark, Cowlitz, etc.	100
Curlew Lake	Ferry	200
Cushman Lake #1	Clark	100
Deep River	Wahkiakum	100
Deschutes River	Thurston	100
Diablo Lake	Whatcom	200
Drano Lake	Skamania	100
Elochoman River	Wahkiakum	100
Erie Lake	Skagit	100
Evergreen Reservoir	Grant	100
Fisher Island Slough	Cowlitz	100
Goose Lake (upper)	Grant	100
Grays River	Pacific	100
Harts Lake	Pierce	100

PERMANENT

Hoquiam River	Grays Harbor	100
Humptulips River	Grays Harbor	100
John's River	Grays Harbor	100
Kapowsin Lake	Pierce	200
Kalama River	Cowlitz, etc.	100
Klickitat	Klickitat	100
Lackamas Lake (Res.)	Clark	100
Lake River	Clark	100
Lawrence Lake	Thurston	100
Lenore Lake	Grant	200
Lewis River	Clark/Cowlitz	100
Loomis Lake	Pacific	100
Mayfield Lake	Lewis	200
McIntosh Lake	Thurston	100
McMurray Lake	Skagit	100
Merwin Lake	Clark/Cowlitz	200
Moses Lake	Grant	200
Naselle River	Pacific, etc.	100
Nisqually River	Pierce, etc.	100
Nooksack River	Whatcom	100
North River	Grays Harbor	100
Palmer Lake	Okanogan	100
Patterson Lake (Res.)	Okanogan	100
Portage Bay	King	100
Rattlesnake Lake	King	100
Ross Lake (Res.)	Whatcom	200
Salmon Lake	Okanogan	100
Satsop River	Grays Harbor	100
Shannon Lake (Res.)	Skagit	200
Sidley Lake	Okanogan	100
Silver Lake	Pierce	100
Silver Lake	Cowlitz	200
Skagit River	Skagit/Whatcom	200
Skamokawa River	Wahkiakum	100
Snake River	Franklin/Walla Walla	200
Snohomish River	Snohomish	100
St. Clair Lake	Thurston	100
Swift Lake (Res.)	Skamania	200
Terrell Lake	Whatcom	100
Toutle River	Cowlitz	100
Union Lake	King	200
Vancouver Lake	Clark	200
Warden Lake	Grant	100
Washington Lake	King	200
Washougal River	Clark/Skamania	100
Whitestone Lake	Okanogan	100
Willapa River	Pacific	100
Wiser Lake	Whatcom	100
Wind River	Cowlitz	100
Wishkah River	Grays Harbor	100
Woodland Slough	Clark	100
Wynoochee River	Grays Harbor	100
Yakima River	Kittitas	100
Yale Lake (Res.)	Clark/Cowlitz	200

((3)) (4) Commercial crawfish harvest permits will be issued to prescribe the number of allowable crawfish pots per fisherman per body of water in suitable crawfish harvest sites not listed in subsections (2) and (3) of this section as follows:

- (a) Under 20 acres - no commercial harvest.
- (b) 20 acres to 100 acres - 50 pots.
- (c) 101 acres to 400 acres - 100 pots.
- (d) Over 400 acres - 200 pots.

(e) Permits will be issued only in waters where fishing will not conflict with high density residential or recreational areas, and no permit will be issued where developed parks encompass more than one-half of the water shoreline.

(f) The department of fisheries shall fix the maximum number of pots to be permitted in any given body of water. Once the permitted maximum number of pots for any given body of water has been reached, no further permits will be

issued. Permits will be issued on a first-come, first-serve basis consistent with all other regulations concerning issuance of commercial crawfish harvest permits.

(5) Licensing: A shellfish pot fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 87-69, filed 7/8/87)

**WAC 220-52-063 Octopus fishery.** (1) It shall be lawful at any time to take or fish for octopus for commercial purposes with shellfish pot (~~(or ring net)~~) gear in any of the waters of the state of Washington except in those waters of the Tacoma Narrows between a line from the north end of Days Island to the southern tip of Point Fosdick and a line from the navigational buoy at Point Defiance to the navigational buoy at the entrance to Gig Harbor.

(2) It shall be lawful to possess octopus for commercial purposes taken incidentally to any other lawful bottom fish or shellfish fishery, except that it shall be unlawful for divers to take octopus for commercial purposes except as authorized by permit issued by the director for display or scientific purposes.

(3) It shall be unlawful to possess any octopus mutilated in the process of its fishing or taking.

(4) It is unlawful to fish for octopus using more than 200 shellfish pots without first having obtained a permit authorized by the director.

(5) Licensing: A shellfish pot fishery license is the license required to operate the gear provided for in this section.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

**WAC 220-52-066 Squid fishery.** (1) It is lawful at any time to take or fish for squid for commercial purposes with drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure, dip bag net, brail, and squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch measure. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish except octopus, and squid eggs caught while fishing for squid must be returned to the water immediately. It is lawful to retain for commercial purposes squid taken incidental to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

(5) Licensing: A squid fishery license is the license required to operate the gear provided for in this section.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-068 Scallop fishery—Coastal waters.**

It is unlawful to fish for or possess scallops taken for commercial purposes from coastal and offshore waters except as provided for in this section.

(1) Season: July 1 through November 30.

(2) Gear: Only scallop dredge gear may be used. Scallop dredge gear may not exceed fifteen feet in width per unit of gear (~~((nor have a ring size less than))~~) and must have three ((inches inside diameter)) inch or larger net mesh or rings throughout. Scallop dredges may not use a dredge liner nor have chaffing gear covering any portion of the top half of the dredge.

(3) Licensing: A shrimp trawl—non-Puget Sound fishery license is the license required to operate the gear provided for in this section.

(4) Incidental catch: It is unlawful to retain food fish or shellfish taken incidental to any lawful scallop fishery, except that it is lawful to retain octopus and squid.

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-069 Scallop fishery—Puget Sound.**

It is unlawful to fish for or possess scallops taken for commercial purposes from Puget Sound except as provided for in this section:

(1)(a) Rock scallops and weathervane scallops. It is unlawful at any time to take or possess rock or weathervane scallops taken for commercial purposes from Puget Sound unless a person has first obtained a scallop brood stock permit issued by the department. The permit will specify the species, location, time, and quantity of scallops that can be taken for brood stock or culture purposes.

(b) Licensing:

(i) A shellfish dive fishery license is a license that allows a permittee to retain rock and weathervane scallops for brood stock purposes.

(ii) Shrimp trawl—Puget Sound and food fish trawl—Puget Sound fishery licenses are licenses that allow a permittee to retain weathervane scallops for brood stock purposes.

(2) Pink scallops and spiny scallops.

(a) General provisions:

(i) Pink and spiny scallops may be harvested from Puget Sound at any time.

(ii) The minimum commercial pink or spiny scallop size is 2 inches in length from the hinge to the outer margin of the shell.

(iii) Persons fishing for pink or spiny scallops must have approval of the Washington state department of health. Scallops may only be taken from areas approved by the department of health and any fisher taking pink or spiny scallops must have on board the harvesting vessel a valid department of health shellfish toxin sampling agreement.

(iv) No other shellfish except octopus and squid or food fish may be retained while scallop fishing or possessed aboard the scallop fishing vessel.

(b) Trawl gear provisions:

(i) Trawlers may only use single beam trawls not exceeding ten feet in width and having mesh size no smaller

than two inches in the intermediate portion and cod end of the trawl.

(ii) Trawling for scallops is prohibited in waters less than 120 feet below mean lower low water.

(iii) Trawling for scallops is prohibited in the following areas:

(A) All waters closed to bottomfish trawl in WAC 220-48-015.

(B) Shrimp Districts 1 and 3 as defined in WAC 220-52-051.

(C) Sea Urchin Districts 1 and 2 closed waters defined in WAC 220-52-073 (1)(a)(i), (ii), and (1)(b)(ii).

(iv) Licensing: A shrimp trawl—Puget Sound fishery license is the license required to operate the gear provided for in this section.

(c) Shellfish diver gear provisions:

(i) Diving for scallops is prohibited in Sea Urchin Districts 1 and 2 closed waters as defined in WAC 220-52-073 (1)(a)(i), (ii), (1)(b)(i), and (ii).

(ii) Licensing: A shellfish dive fishery license is the license required to take scallops with shellfish diver gear.

**AMENDATORY SECTION** (Amending Order 86-190, filed 11/26/86)

**WAC 220-52-070 Goose barnacle fishery.** (1) It is unlawful to take or possess Pacific goose barnacles taken for commercial purposes without having first obtained a permit to do so issued by the director.

(2) Licensing: An emerging commercial fishery license is the license required for a permittee to retain goose barnacles.

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-071 Sea cucumbers.** It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) **Sea cucumber districts:**

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: North of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island and south of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(ii) Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(iii) Within one-quarter mile of Green Point on Spieden Island.

(iv) Within one-quarter mile of Gull Reef, located between Spieden Island and Johns Island.

(b) Sea Cucumber District 2 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 29 and

those waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay, and the waters at the mouth of the Columbia River west of the Buoy 10 Line.

(c) Sea Cucumber District 3 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, and 26D.

(d) Sea Cucumber District 4 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

**(2) Sea cucumber areas and seasons:**

(a) District 1 open May 1 through October 31, 1991.

(b) District 2 open May 1 through October 31, 1992.

(c) District 3 open May 1 through October 31, 1993, except:

(i) Marine Fish Shellfish Management and Catch Reporting Area 26C is closed to the harvest of sea cucumbers after August 31, 1993.

(ii) The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island are closed to the harvest of sea cucumbers at all times.

(iii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veteran's Home in Annapolis are closed to the harvest of sea cucumbers at all times.

(d) District 4 open May 1 through October 31, 1994.

(e) Other areas and times as authorized by permit issued by the director.

(f) During the seasons provided for in this subsection, harvest is restricted to Monday through Wednesday May 1 through May 14, Monday through Thursday May 15 through June 30, and Monday through Friday thereafter. Divers may not take sea cucumbers from one-half hour before official sunset to official sunrise or 6:00 a.m., whichever is later.

**(3) Shellfish diver gear:**

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

**(4) Trawl gear:**

It is unlawful to fish for or possess sea cucumbers taken with trawl gear.

**AMENDATORY SECTION** (Amending WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-52-075 Shellfish harvest logs.** It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, shrimp other

than ocean pink shrimp, squid, octopus, or sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp other than ocean pink shrimp, squid, octopus, scallops, clams, or sand shrimp aboard. The vessel operator must submit the harvest logs for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC 220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(1) Vessel operators engaged in commercial harvest of shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fisheries boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale. In addition, vessel operators engaged in commercial harvest of shrimp in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, or 27C (Hood Canal) must record the total number of pots they have in the water and the total number of buoys attached to those pots, and the department's copy of the completed harvest log must be submitted weekly, postmarked no later than Friday and showing harvest activity for the period Thursday of the week previous to submission through Wednesday of the week the harvest log is submitted.

(2) Vessel operators engaged in commercial harvest of shrimp other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location, and the approximate number of sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow or dive hour before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the

vessel WDF boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of octopus, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel WDF boat registration number, gear type and amount, catch area and hours fished. Weights of octopus must be recorded on landing or sale.

(8) Vessel operators engaged in commercial harvest of sand shrimp, except when taken incidental to any other lawful fishery, must record the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens), total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

**AMENDATORY SECTION** (Amending Order 91-132, filed 11/1/91, effective 12/2/91)

**WAC 220-52-073 Sea urchins.** It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

**(1) Sea urchin districts:**

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island. The following areas within Sea Urchin District 1 are closed to the harvest of sea urchins at all times:

(i) Those waters within one-quarter mile of Green Point on Spieden Island.

(ii) Those waters within one-quarter mile of Gull Reef, located between Spieden and Johns Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas ~~((21A, 21B, 22B,))~~ 21A, 21B, 22B, 23B and 25A. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: North of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island; south of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and

Catch Reporting Area 23C east of a line projected true north from Low Point, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

~~(2) ((Sea urchin areas, seasons, species, and sizes:~~

~~(a) District 1 is open November 1, 1991, through March 1, 1992, Monday through Wednesday only, and is open March 2, 1992, through April 15, 1992, Monday and Tuesday only, to harvest of red sea urchins between 4.0 and 5.5 inches in size.~~

~~(b) District 4 is open November 1, 1991, through April 15, 1992, Monday through Wednesday only, to harvest of red sea urchins between 3.75 and 5.25 inches in size.~~

~~(c) Otherwise as authorized by a permit issued by the director.~~

~~(d) All sizes in this subsection are shell diameter exclusive of the spines.~~

~~(3)) Sea urchin seasons and sizes:~~

~~Sea urchin seasons and sizes will be set by emergency rule.~~

~~(3) Shellfish diver gear:~~

~~(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.~~

~~(b) Divers may only use hand-operated equipment that does not penetrate the shell.~~

~~((b)) (c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.~~

~~((e) Green and)) (d) Purple sea urchins may not be taken.~~

~~((d)) (e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.~~

~~((e)) (f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.~~

~~((f)) (g) No processing of sea urchins is permitted aboard the harvest vessel.~~

~~((g)) (h) Divers may not take sea urchins for use other than as human food.~~

~~((h) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard.~~

~~((i)) (i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard.~~

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

**WSR 94-12-011**  
**PERMANENT RULES**  
**YAKIMA COUNTY**  
**CLEAN AIR AUTHORITY**

[Filed May 20, 1994, 2:02 p.m.]

Date of Adoption: May 11, 1994.

Purpose: Amendments to Restated Regulation I of YCCAA. Editorial changes to Sections 5.03, 5.04, 5.10 and 5.11, penalty amounts for Section 8.02, correction of type of devices prohibited in Section 9.05, and additional fees in Sections 13.02 and 13.03.

Citation of Existing Rules Affected by this Order: Amending Restated Regulation I of the YCCAA.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 94-07-112 on March 21, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 18, 1994

Tom T. Silva, Director  
 Air Pollution Control Officer

**SECTION 5.03 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION OF THE YAKIMA COUNTY CLEAN AIR AUTHORITY, LOCAL CITIES, TOWNS, FIRE PROTECTION DISTRICTS AND CONSERVATION DISTRICTS**

A. The Yakima County Clean Air Authority finds that it is consistent with its policy of reducing outdoor burning to the greatest extent possible to prohibit outdoor burning in certain areas subject to the exceptions as set forth in subsection 5.03(D) hereof.

B. Except as set forth in subsection 5.03(D) hereof, no outdoor burning shall be allowed in any area of Yakima County, Washington which exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning which includes the Yakima Urban Area and the city limits of the city of Selah, Washington.

C. Except as provided in Section 5.03(D) hereof, outdoor burning shall not be allowed in any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, or in any city in the Authority's jurisdiction having a population greater than 10,000 persons if:

1. Such areas threaten to exceed state or federal air quality standards, and;

2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

D. Outdoor burning shall be allowed upon permit obtained from the Authority for the following purposes:

1. Weed abatement along ditch banks and fence lines;  
 2. Agricultural burning as defined in WAC 173-425-030;

3. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency;

~~4. All such permits issued pursuant to this provision shall be subject to the conditions and limitations as are set forth in Section 5.04 hereof.~~

All such permits issued pursuant to this provision shall be subject to the conditions and limitations as are set forth in Section 5.04 hereof.

E. Outdoor burning shall be allowed without permit for:  
 1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;

2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.

**SECTION 5.04 - REGULATIONS APPLICABLE TO PERMITS ISSUED BY THE YAKIMA COUNTY CLEAN AIR AUTHORITY FOR ALL OTHER OUTDOOR BURNING**

A. Outdoor burning permits will be issued by the Yakima County Clean Air Authority pursuant to restrictions and limitations on outdoor burning as set forth in these Regulations as follows:

1. Weed abatement, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield.

a. All applications for permits to set fire for such agricultural burning shall be acted upon by the Authority within seven (7) days from the date such application is filed.

b. When burning is necessary to control disease or insect infestation and alternative methods are not available and the Yakima County Agricultural Extension Agency so certifies.

2. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency.

B. Permits issued for burning under this Section shall be drafted to minimize emissions, including denial of permission to burn during periods of adverse meteorological conditions.

C. All permits issued by the Authority will contain conditions to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will be designed to minimize air pollution as practicable.

D. All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC 173-425) is available to successfully carry out the enterprise in which the applicant is engaged.

**SECTION 5.10 - SENSITIVE AREA DESIGNATION**

In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which the sources are, or may be located, the Authority, after public hearing upon due notices to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality;



population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedule than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the ~~department~~ Authority.

#### SECTION 5.11 - MONITORING AND SPECIAL REPORTING

##### A. Monitoring.

The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations of air contaminants as approved by the Board.

As part of this program, the Authority or its authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority.

##### B. Investigation of conditions.

The Control Officer or an authorized representative shall have authority to investigate conditions as set forth in Section 2.02(C).

##### C. Source testing.

In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be made of the source in a manner approved by the Authority. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time.

##### D. Report of breakdown or upset condition.

If an equipment breakdown or upset condition occurs resulting in emissions in excess of applicable limits set by this Regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the ~~department~~ Authority by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the Authority or its authorized representative may require that the operation be curtailed or shutdown. Repeated breakdowns may be subject to all penalties authorized by law. The Authority or its authorized representative may issue regulatory orders specifying maintenance and operating procedures.

##### E. Continuous Monitoring and Recording.

Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified. The exceptions listed for the following categories do not apply if the continuous emission monitoring is required by the SIP.

##### 1. Fossil fuel-fired steam generators.

##### a. Opacity, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Only gaseous fuel is burned, or

(3) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administration or judicial procedure, been found in violation of any visible emission standard.

##### b. Sulfur dioxide, except where:

(1) Steam generator capacity is less than 250 million BTU per hour heat input, or

(2) Sulfur dioxide control equipment is not required.

c. Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

##### d. General exception.

These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent (30%), as reported to the Federal Power Commission for the calendar year 1974, or as otherwise demonstrated to the Authority by the owner or operator.

##### 2. Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred (300) tons per day, expressed as one hundred percent (100%) acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

3. Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

a. Opacity where fresh feed capacity is more than 20,000 barrels per day.

##### 4. Wood residue fuel-fired steam generators.

##### a. Opacity, except where:

(1) Steam generator capacity is less than 100 million BTU per hour heat input.

##### b. Continuous monitoring equipment.

The requirements of Section 5.11 (E)(5) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment shall be subject to approval by the Authority.

5. Owners and operators of those sources required to install continuous monitoring equipment under this Regulation or the SIP shall demonstrate to the Authority compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Section 3, 4, and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

F. All sources subject to this Regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen (18) months after adoption of this Regulation by the Authority. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

##### G. Special considerations.

If or reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on

an individual basis. These will generally be of the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

H. Exemptions.

Subsection 5.11(E) does not apply to any source which is:

1. Subject to a New Source Performance Standard.
2. Not subject to an applicable Emission Standard.
3. Scheduled for retirement within five (5) years after inclusion of monitoring equipment requirements in this Regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

I. Monitoring system malfunctions.

A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the Authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

**SECTION 8.02 - ADDITIONAL OR ALTERNATIVE PENALTIES**

A. In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, or any of the rules and regulations the Yakima County Clean Air Authority may enforce under such Chapters of the Revised Code of Washington may incur a civil penalty in an amount not to exceed Ten Thousand Dollars (\$10,000) per day for each violation. Each such violation shall be a separate and distinct event, and, in the case of a continuing violation, each day continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this Chapter shall be liable for a civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of continued noncompliance.

B. Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the thirty-first (31st) day following the final resolution of the appeal.

C. Each act of commission or omission which procures, aids or abets the violation described herein shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(B).300.

D. In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

E. All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and rendered into its funds.

F. In addition to the other provisions of this Section, a specific Civil Penalty may be imposed for violation of the

following Sections of this Regulation in accordance to the following schedule:

<u>Section Violated</u>	<u>Civil Penalty per Written Notices Issued</u>			
	<u>First</u>	<u>Second *</u>	<u>Third *</u>	<u>Subsequent</u>
<u>SECTION 2.03 - Miscellaneous Provisions</u>	<u>\$100 to \$1,000</u>	<u>\$2,000 to \$3,000</u>	<u>go to Subsequent</u>	<u>Up to \$10,000</u>
<u>SECTION 4.01 - Registration</u>	<u>\$50 to \$500</u>	<u>\$1,000 to \$3,000</u>	<u>go to Subsequent</u>	<u>Up to \$10,000</u>
<u>SECTION 4.02 - Notice of Construction</u>	<u>\$50 to \$500</u>	<u>\$1,000 to \$3,000</u>	<u>go to Subsequent</u>	<u>Up to \$10,000</u>
<u>SECTION 5.01 - Outdoor Burning</u>	<u>Warning to \$25</u>	<u>\$25 to \$50</u>	<u>\$50 to \$100</u>	<u>Up to \$10,000</u>
<u>SECTION 5.02 - Regulations Applicable to All Outdoor Burning</u>	<u>\$25 to \$500</u>	<u>Up to \$1,000</u>	<u>Up to \$2,000</u>	<u>Up to \$10,000</u>
<u>SECTION 5.03 - Regulations Applicable to All Outdoor Burning within the Jurisdiction of the YCCAA, Local Cities, Towns, Fire Protection Districts and Conservation Districts</u>	<u>Warning to \$25</u>	<u>\$25 to \$50</u>	<u>\$50 to \$100</u>	<u>Up to \$10,000</u>
<u>SECTION 5.04 - Regulations Applicable to Permits Issued by YCCAA for All Other Outdoor Burning</u>	<u>\$25 to \$500</u>	<u>Up to \$1,000</u>	<u>Up to \$2,000</u>	<u>Up to \$10,000</u>
<u>SECTION 5.05 - Additional Restrictions on Outdoor Burning</u>	<u>\$25 to \$500</u>	<u>Up to \$1,000</u>	<u>Upt to \$2,000</u>	<u>Up to \$10,000</u>
<u>SECTION 5.06 - General Standards for Maximum Permissible Emissions</u>	<u>\$50 to \$500 or Warning to \$25</u>	<u>Up to \$1,000 or \$25 to \$50</u>	<u>Up to \$2,000 or \$50 to \$100</u>	<u>Up to \$10,000</u>
<u>SECTION 5.07 - Minimum Emission Standards for Combustion and Incineration Sources</u>	<u>\$50 to \$500</u>	<u>Up to \$1,000</u>	<u>Up to \$2,000</u>	<u>Up to \$10,000</u>
<u>SECTION 5.09 - Minimum Standards or Procedures for Certain Source Categories</u>	<u>\$50 to \$500 or Warning to \$25</u>	<u>Up to \$1,000 or \$25 to \$50</u>	<u>Up to \$2,000 or \$50 to \$100</u>	<u>Up to \$10,000</u>
<u>SECTION 5.12 - Preventive Measures</u>	<u>\$50 to \$500</u>	<u>Up to \$1,000</u>	<u>Up to \$2,000</u>	<u>Up to \$10,000</u>
<u>ARTICLE IX - Woodstoves and Fireplaces</u>	<u>\$50 to \$500 or Warning to \$25</u>	<u>Up to \$1,000 or \$25 to \$50</u>	<u>Up to \$2,000 or \$50 to \$100</u>	<u>Up to \$10,000</u>

\* Civil Penalty suspended from the previous Written Notice may be added.

**SECTION 9.05 - PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODES**

A. Any person in a residence or commercial establishment which has an adequate source of heat ~~without burning wood~~ other than a solid fuel burning device shall:

1. Not ~~burn wood in use~~ any solid fuel burning device whenever the Department of Ecology or the Authority has determined under RCW 70.94.715 that any Air Pollution Episode exists in that area.

2. Not ~~burn wood in use~~ any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

3. Not ~~burn wood in use~~ any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(48).

**SECTION 13.02 - NOTICE OF CONSTRUCTION FEE SCHEDULE**

Sources required to file a "Notice of Construction, Installation or Establishment of New Air Contaminant Source" shall pay a fee according to the following schedule:

Filing Fee (for all sources):	\$50
<b>Air Handling or Air Pollution Control Equipment (ACFM)</b>	
0 < 200	\$25
200 < 5,000	\$100
5,000 < 20,000	\$200
20,000 < 50,000	\$300
50,000 < 100,000	\$400
100,000 < 250,000	\$500
250,000 < 500,000	\$650
> 500,000	\$800
<b>Fuel Burning Equipment Installation (MMBTU/ID):</b>	
<5	\$25
5-10 5<10	\$100
10-20 10<20	\$150
20-50 20<50	\$250
50-100 50<100	\$350
100-250 100<250	\$500
250-500 250<500	\$1,000
>500	\$1,500
<b>Fuel Burning Equipment Fuel Change (MMBTU/ID):</b>	
<5	\$15
5-10 5<10	\$40
10-20 10<20	\$60
20-50 20<50	\$80
50-100 50<100	\$100
100-250 100<250	\$150

PERMANENT

250-500	250<500	\$200
>500		\$250
Refuse Burning Equipment (tons per day Rated Capacity):		
<5(w/o HCl controls)		\$100
5-12	5<12(w/o HCl controls)	\$200
<12(w/ HCl controls)		\$500
12-250	12<250(w/ HCl controls)	\$2,000
>250(w/ HCl controls)		\$4,000
Solid Waste Incineration (tons/hour):		
0.5-2		\$0
2-4		\$0
>4		\$0
Other Incinerators (pounds/hour):		
<100		\$0
100-200	100<200	\$300
200-500	200<500	\$500
500-1,000	500<1,000	\$750
>1,000		\$1,500
Volatile Material Storage Tanks (gals):		
<4,000		\$0
4,000-20,000	4,000<20,000	\$0
20,000-40,000	20,000<40,000	\$65
40,000-100,000	40,000<100,000	\$200
100,000-500,000	100,000<500,000	\$750
500,000-1,000,000	500,000<1,000,000	\$1,200
>1,000,000		\$1,200
Significant Emissions Surcharge:		
		\$250
Gasoline Stations:		
Stage I		\$50
Stage II		\$50

Temporary Source:	\$75
Odor Source:	\$200
SEPA:	\$50

**SECTION 13.03 - OUTDOOR BURNING PERMIT FEES**

The Authority shall collect and assess fees of \$5 for each outdoor burning permit it issues under the requirements of Article V of this regulation in accordance with the following fee schedule:

PERMIT TYPE OR ACTIVITY	QUANTITY OF MATERIAL	FEE	EXPIRATION DATE
Residential	Any Amount	\$5	31 Dec of Current Year
Agricultural		Per WAC 173-430	
Fire Dept. Training	Any Amount	\$100	30 Days After Issuance
All Others <sup>1</sup>	10 Acres Or Less	\$25	30 Days After Issuance
	More Than 10 Acres	\$2.50 Per Acre	30 Days After Issuance
	10 Cubic Yards Or Less	\$50	30 Days After Issuance
	More Than 10 Cubic Yards	\$8.50 Per Cubic Yard	30 Days After Issuance
Re-inspection <sup>2</sup>		\$25	
Application <sup>3</sup>		\$25	

1. Fees will be assessed on a volume basis when the material to be burned is consolidated into piles. Fees will be assessed on an acreage basis when the material is to be burned in place (e.g. weeds burned along ditch banks or fence lines).
2. If required.
3. Required for all non-residential outdoor burning permits.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 94-12-014  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS  
[Filed May 23, 1994, 2:16 p.m.]**

Date of Adoption: May 20, 1994.

Purpose: To clarify standards relating to membership and service credit of elected and appointed officials for state and for political subdivisions.

Statutory Authority for Adoption: RCW 41.50.050.

Pursuant to notice filed as WSR 94-08-087 on April 5, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 23, 1994  
Sheryl Wilson  
Director

NEW SECTION

**WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership.** (1) For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "elected" officials means individuals elected to any state, local or political subdivision office or individuals appointed to any vacant elective office.

(2) Pursuant to RCW 41.40.023 (3)(a), elected officials are exempted from retirement system membership but may apply for membership during the official's current term of elected office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application, the elected official

is entitled to establish membership and service credit retroactive to the first day of the official's current term of elected service. To establish such membership, the official shall pay the required employee contributions for the official's current term of elected service with interest as determined by the department.

(3) Upon establishing membership for the official's current term of elected office, the official is entitled to establish membership and service credit retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (2) of this section. If the department approves the application, the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(4) If an official is employed in an eligible position at the time of election to office and will hold multiple positions concurrently, the official may:

(a) Apply to the department to participate in membership pursuant to the official's elected position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's elected position while continuing membership through the nonelected position.

(5) Except as provided under RCW 41.40.023 (3)(b), once an elected official has exercised the option of becoming a member of the retirement system the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service. An official does not separate from service if the official resigns from the official's elected position and is later reappointed to the same position during the same term.

(6) This section codifies the department's long-standing administrative practice in relation to elected officials. The department will apply this section to service by elected officials which occurred prior to the effective date of this section.

#### NEW SECTION

**WAC 415-108-560 Appointed officials—Eligibility and application for retirement service membership.** (1) For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "appointed" officials means only those individuals appointed directly by the governor to any position, including but not limited to agency directorships and memberships on a state committee, board or commission.

(2) An individual must be a gubernatorial appointee or be appointed to serve in a position that meets the require-

ments of RCW 41.40.010 (25)(a) in order to be eligible for membership and service credit.

(3) Pursuant to RCW 41.40.023 (3)(a), appointed officials are exempted from retirement system membership but may apply for membership during the official's current appointed term of office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application the official is entitled to establish membership and service credit retroactive to the first day of the official's current term of appointed service. To establish such membership, the official shall pay the required employee contributions for the official's current term of appointed service with interest as determined by the department.

(4) Upon establishing membership for the official's current term of appointed service, the official is entitled to establish membership retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (3) of this section. If the department approves the application the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(c) "Current term of appointed service" includes an appointed official's entire current term of service. If the official has not been appointed to a position with a set term of office, "current term of appointed service" includes all uninterrupted service in the official's current appointed position.

(5) If an appointed official is employed in an eligible position at the time of appointment to office and will hold the two positions concurrently the official may:

(a) Apply to the department to participate in membership pursuant to the appointed position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's appointed position while continuing membership through the nonappointive position.

(6) Once an appointed official has exercised the option of becoming a member of the retirement system either at the start of the official's initial term or at a successive term, the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An appointed official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service. An appointed official does not separate from service if the official resigns from the appointed position and is later reappointed to the position during the same term.

(7) This section codifies the department's long-standing administrative practice in relation to appointed officials. The department will apply this section to service by appointed officials which occurred prior to the effective date of this section.

NEW SECTION

**WAC 415-108-570 Elected and appointed officials—Requirements for service credit.** (1)(a) Plan I elected officials and appointed officials may receive one month of service credit for each month during which they earn compensation pursuant to their elected or appointed positions.

(b) Plan I members who were appointed by the governor prior to July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they earn compensation pursuant to their appointed positions.

(c) Plan I members who were appointed or reappointed by the governor on or after July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they are compensated for at least seventy total hours of work.

(d) Plan I members who serve in governor-appointed positions as members of any committee, board or commission on or after September 1, 1991, may receive one-quarter month of service credit for each month during which they are compensated for less than seventy total hours of work.

(2)(a) Plan II members who were elected to office by state-wide election may receive one month of service credit for each month during which they earn compensation pursuant to their elected positions.

(b) Except for Plan II elected officials covered under (a) of this subsection, Plan II members who were elected to office or appointed by the governor to positions prior to September 1, 1991, may receive service credit only for months during which they are compensated:

(i) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; and

(ii) For ninety or more total hours of work.

(c) On or after September 1, 1991, except for Plan II elected officials covered under (a) of this subsection, Plan II members who were elected to office or appointed by the governor to positions may earn:

(i) One month of service credit for each month during which they are compensated:

(A) For ninety or more total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(ii) One-half month of service credit for each month during which they are compensated:

(A) For less than ninety hours but equal to or more than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(iii) One-quarter month of service credit for each month during which they are compensated:

(A) For less than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service.

(3) This section codifies the department's long-standing administrative practice in relation to elected and appointed officials. The department will apply this section to service by elected and appointed officials which occurred prior to the effective date of this section.

**WSR 94-12-018**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 93-34—Filed May 23, 1994, 4:05 p.m.]

Date of Adoption: May 20, 1994.

Purpose: To adopt an amendment to the wood ash exclusion, WAC 173-303-071.

Citation of Existing Rules Affected by this Order: Amending chapter 173-303 WAC.

Statutory Authority for Adoption: Chapters 70.105 and 70.105D RCW.

Pursuant to notice filed as WSR 94-08-092 on April 6, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 20, 1994

Mary Riveland  
Director

AMENDATORY SECTION (Amending Order 92-33, filed 12/8/93, effective 1/8/94)

**WAC 173-303-071 Excluded categories of waste.** (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage shall not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in

WAC 173-303-090, and shall not meet the dangerous waste criteria for toxic dangerous waste, persistent dangerous waste, or for carcinogenic dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department

under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 and that are dangerous either because they fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only) or because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, and 173-303-960;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the waste can be shown to contain less than two parts per million (ppm) PCB;

(iii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e);

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:



(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC ((~~173-303-084~~ or ~~173-303-103~~) 173-303-100, and any other inorganic wastes which are designated only under WAC ((~~173-303-084~~ or ~~173-303-103~~) 173-303-100 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix). These wastes are not excluded if they exhibit one or more of the dangerous waste criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters,

etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any dangerous waste, 1 kg of acutely hazardous waste, or 250 kg of soils, water, or debris contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 1000 kg of dangerous waste, 1 kg of acutely hazardous waste, or 250 kg of soils, water, or debris contaminated with acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- (I) Copies of the shipping documents;
- (II) A copy of the contract with the facility conducting the treatability study;
- (III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in (r)(ii)(A) of this subsection, for up to an additional 500 kg of nonacute hazardous waste, 1 kg of acute hazardous waste, and 250 kg of soils, water, or debris contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in (r)(i) and (ii)(B) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(A) The reason the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;

(B) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(E) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such

treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 250 kg of "as received" dangerous waste is subjected to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the laboratory or testing facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water, or debris contaminated with acutely hazardous waste or 1 kg of acutely hazardous waste. This quantity limitation does not include:

(A) Treatability study residues; and

(B) Treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

PERMANENT

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping paper associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials (~~((+e:))~~) including, but not limited to, wood chips,

saw dust, tree stumps, paper, cardboard, (~~((tree stumps, untreated timbers, and untreated lumber))~~) residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of (~~((over firing fuels(-))~~) auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels(~~((+))~~) in the combustion process.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

**WAC 173-303-104 Generic dangerous waste numbers.** (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning dangerous waste numbers to wastes designated by the dangerous waste criteria or by WAC 173-303-084.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01-----	EHW
WT02-----	DW
	Persistent Dangerous Wastes
	Halogenated Hydrocarbons
WP01-----	EHW
WP02-----	DW
	Polycyclic Aromatic Hydrocarbons
WP03-----	EHW
	Carcinogenic Dangerous Wastes
<del>((WC01-----</del>	<del>EHW))</del>
WC02-----	DW

**WSR 94-12-019  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 94-06—Filed May 23, 1994, 4:19 p.m.]

Date of Adoption: May 23, 1994.

Purpose: To establish rules for awarding funds to districts for magnet school programs.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.150.370.

Pursuant to notice filed as WSR 94-08-074 on April 5, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 23, 1994

Judith A. Billings  
Superintendent of  
Public Instruction

**Chapter 392-330 WAC  
STATE MAGNET SCHOOL PROGRAM**

**NEW SECTION**

**WAC 392-330-010 Authority.** The authority for this chapter is RCW 28A.150.290 which together with RCW 28A.150.370 authorizes the superintendent of public instruction to adopt rules for the establishment and administration of compensatory programs and other special programs.

**NEW SECTION**

**WAC 392-330-020 Purpose.** The purpose of this chapter is to set forth policies and procedures for the administration of the magnet school projects program, including the establishment of criteria for the award of grants to an eligible school district.

**NEW SECTION**

**WAC 392-330-030 Definitions.** The following terms are defined for purposes of this program as follows:

(1) "Minority" refers to those racial/ethnic categories as defined on the School Enrollment Report Form SPI P-105.

(2) "Eligible school district" means a school district which can demonstrate racial imbalance based on WAC 180-26-025 or is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of the state of Washington, or any other state agency or official of competent jurisdiction, and that requires the desegregation of children or faculty in the elementary and secondary schools of such agency; or without having been required to do so, has adopted and is implementing or will implement such a plan for the desegregation of children or faculty in such schools.

(3) "Feeder school" refers to a school from which students are drawn to attend a magnet school program.

(4) "Magnet school program" means a school, education center or program that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds and increasing the interaction among students or different social, economic, ethnic and racial backgrounds.

**NEW SECTION**

**WAC 392-330-040 Policy.** The public policy goals of the magnet school projects are to:

(1) Reduce, eliminate, continue to assist in preventing racial imbalance or prevent minority group isolation within the period of the grant award or allocation period either in the magnet school or in a feeder school, as appropriate;

(2) Preclude increases in the minority enrollment, at the magnet school or at any feeder school, above the district-wide percentage of minority students at the grade levels corresponding to those served by that magnet school;

(3) Foster interaction among students of different social, economic, ethnic and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools;

(4) Address the educational needs of the students who will be enrolled in the magnet schools;

(5) Encourage greater parental teacher and community involvement and decision making;

(6) Evaluate the effectiveness of the magnet school pilot project and whether funding should be continued, expanded or discontinued.

**NEW SECTION**

**WAC 392-330-050 Eligibility.** (1) Applicant eligibility for magnet school project funding shall be based on magnet program enrollment numbers and percentages for minority and nonminority group students, for each magnet school/program for which funding is sought and each feeder school for the:

(a) School year prior to the creation of each magnet school;

(b) School year in which the application is submitted and for each of the school years of the proposed grant cycle;

(c) District-wide enrollment numbers and percentages for minority group students in the local school district's schools, for grade levels involved in the applicants' magnet schools; and

(d) Calculation that, but for the establishment of a magnet pilot program, or for the continuation of a magnet pilot program or other student assignment efforts the enrollment of the school/program would be racially imbalanced as defined in WAC 180-26-025.

(2) Funds shall be awarded by the superintendent of public instruction or designee based on the ranking of the applicant districts evaluated on the following criteria:

(a) Degree of racial imbalance in the proposed project school, or for racial imbalance but for magnet and other student assignment efforts - fifteen points;

(b) Nature of the proposed program and extent to which it meets goals set forth in WAC 392-330-040 - forty-five points;

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups - twenty-five points;

(d) Strength of the evaluation component for the pilot project - ten points;

(e) Nature and extent of local resources committed to the project - five points.

A district must receive a minimum of sixty-five points to be eligible for funding consideration.

**NEW SECTION**

**WAC 392-330-060 Information—Forms.** An eligible district's application shall be on forms provided by the superintendent of public instruction and shall contain at a minimum the following information:

(1)(a) Degree of racial imbalance in the proposed project school or for racial imbalance but for magnet and other student assignment efforts;

(b) Nature of the proposed program and the extent to which it meets the goals set forth in WAC 392-330-040; and

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups.

(2) The desired outcomes for each magnet program, including but not limited to, increased student achievement and desegregation of students;

(3) The design of the evaluation of the project that will produce quantifiable results which will be used to determine the success of the project in meeting the intended outcomes including but not limited to increased student achievement and desegregation of students;

(4) Identify efforts of the school district to collaborate with institutions of higher education, community-based organizations, civic organizations, municipal agencies and appropriate state agencies;

(5) Set forth the personnel plan including how personnel assigned to the magnet school program will be utilized to complete the tasks and achieve the project objectives;

(6) The district's expenditure plan for the application of funds allocated pursuant to this chapter; and

(7) Identify resources which the district may use to continue support for the magnet school activities when assistance under this program is no longer available.

#### NEW SECTION

**WAC 392-330-070 Annual report.** Each school district awarded magnet school funds shall submit an annual report to the superintendent of public instruction on or before July 1st. The report shall evaluate the components set forth in WAC 392-330-050 and include an assessment of how well the outcomes were achieved and the impact of the project on student desegregation. The report also shall provide an accounting of how the magnet school project funds were expended.

Failure to submit an annual report which evaluates the components set forth in WAC 392-330-050 shall disqualify the participating school district from receiving magnet school funds for the next school year.

#### NEW SECTION

**WAC 392-330-080 Advisory committee.** Each school district participating in the magnet school project shall organize a local advisory committee. The purpose of the committee is to advise the school district in the development and operation of its magnet school program. The committee shall be comprised of not less than thirteen members and is to include representatives from the following groups: School principals, teachers, parents, municipal and community representatives, and students. This committee is to be representative of the local community and its gender and ethnic composition.

**WSR 94-12-027  
PERMANENT RULES  
POLLUTION CONTROL  
HEARINGS BOARD**

[Filed May 24, 1994, 4:17 p.m.]

Date of Adoption: May 10, 1994.

Purpose: To improve the orderly process of calendaring, motions and orders so as to reduce the time from the filing of an appeal to its disposition; also to update mailing address.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-010, 371-08-147, 371-08-162, and 371-08-165.

Statutory Authority for Adoption: RCW 43.21B.170.  
Pursuant to notice filed as WSR 94-07-098 on March 17, 1994.

Changes Other than Editing from Proposed to Adopted Version: A specific schedule for motions practice is added.  
Effective Date of Rule: Thirty-one days after filing.

May 10, 1994

Robert V. Jensen  
Chairman

AMENDATORY SECTION (Amending WSR 91-03-028, filed 1/8/91, effective 2/8/91)

**WAC 371-08-010 Board administration—Office and address of the board.** (1) The administrative business of the board, except rule making, is performed by the Environmental Hearings Office (~~(, which holds regular meetings at 10:00 a.m. on the second Tuesday of each month, pursuant to WAC 198-12-030, at the address set forth below and at such other times and places as the chairperson shall designate)~~) To the extent necessary for rule making, the board holds regular meetings at 10:00 a.m. on the second Tuesday of each month at the address set forth below.

(2) The board is housed at the office of the Environmental Hearings Office, 4224 6th Avenue S.E., Building 2 Rowsix, Lacey, Washington. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(3) The mailing address of the board is:

Pollution Control Hearings Board  
(~~Mailstop: PY-21~~)  
PO Box 40903  
Olympia, WA 98504-0903

(4) The telephone number of the board is (206) 459-6327. The telefacsimile number is (206) 438-7699.

#### NEW SECTION

**WAC 371-08-061 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

AMENDATORY SECTION (Amending WSR 91-03-028, filed 1/8/91, effective 2/8/91)

**WAC 371-08-147 ((Prehearing)) Procedures—Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. (~~Written motions may be included in the notice of appeal or filed and served separately~~) Dispositive motions will be filed and briefed in accordance with CR 56 unless a scheduling letter or order varies that procedure. Each written motion shall have appended to it the order which the motion seeks. The moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible. If the motion in contested, the moving party shall note the motion for hearing on a date deemed by the clerk to be available for that purpose.

The motion, order and note for hearing shall then be filed and served. Where the clerk specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call.

(2) ~~((When a motion is filed, the matter will be scheduled separately. In all cases, the defending party shall have an opportunity to respond.~~

(3) ~~Unless oral argument is requested, a motion will be decided on the written record.)~~ Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) Except dispositive and ex parte motions, all motions and notice of the hearing thereof shall be filed and served not later than five days before the time specified for the hearing on the motion.

(b) All dispositive motions shall be filed and served not later than twenty-eight days before the hearing on the motion. Any party opposing the motion may file and serve a response not later than eleven days before the hearing on the motion. The moving party may file and serve a reply to the response not later than five days before the hearing on the motion.

(c) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the board.

(3) Where a scheduling letter or order so provides, or by stipulation, a motion will be decided on the written record.

AMENDATORY SECTION (Amending WSR 91-03-028, filed 1/8/91, effective 2/8/91)

WAC 371-08-162 Hearings—~~((Default))~~ Primary and secondary setting. ~~((1) If a party fails to attend or participate in a hearing or other stage of an appeal, the presiding officer may serve on all parties an order of default or other dispositive order, which shall include a statement of the grounds for the order.~~

~~(2) Within ten days after receipt of an order under subsection (1) of this section, the party against whom it was entered may file and serve a written motion requesting that the order be vacated and stating the grounds relied upon.)~~

(1) Each case shall be assigned a primary hearing date. A case has first priority for hearing on that date.

(2) Each case may be assigned a secondary hearing date. That date will precede the primary hearing date. A case has second priority for hearing on the secondary date, and will proceed to hearing only if the primary case does not proceed. The parties to a primary case shall inform the clerk of the board as soon as any settlement occurs. The parties to a secondary case may contact the clerk of the board to learn whether or not the primary case will proceed. The parties to a secondary case may also contact directly the parties to a primary case to learn whether or not the primary case will proceed.

AMENDATORY SECTION (Amending WSR 91-03-028, filed 1/8/91, effective 2/8/91)

WAC 371-08-165 Hearings—Continuances, dismissal. (1) Continuance of a hearing is within the discretion of the board, whether contested or uncontested by the parties. The board may continue a hearing on its own motion.

(2) ~~((Normally, motions for continuance should be filed more than three months before the scheduled hearing date, so that any time cleared on the calendar can be productively used for other appeals.~~

(3) ~~Prior to moving for a continuance, a person should confer and seek agreement on the matter with the other parties.)~~ The continuance of a hearing shall be sought by written motion. Each such motion shall have appended to it the continuance order which the motion seeks. The moving party shall: Contact the clerk of the board to determine available dates; affirmatively seek the stipulation of all parties; and set forth the continued date in the order. If the continuance is contested, the moving party shall set forth in the order the continued date being requested and shall note the motion for telephonic hearing on a date deemed by the clerk to be available for that purpose. The motion, order and note for telephonic hearing shall then be filed and served. The moving party shall originate the telephonic hearing conference call.

NEW SECTION

WAC 371-08-167 Dismissal or default. (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or dismissal order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before appellant rests are mandatory and afterwards are permissive.

NEW SECTION

WAC 371-08-197 Disposition of adjudicative proceedings—Preparation of findings, conclusions and orders. Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel. The same shall be based upon the oral or memorandum opinion. The board or presiding officer may adopt said findings, conclusions and orders in part or in whole or may prepare their own findings, conclusions and orders.

**WSR 94-12-028**

**PERMANENT RULES**

**SHORELINES HEARINGS BOARD**

[Filed May 24, 1994, 4:19 p.m.]

Date of Adoption: May 10, 1994.

Purpose: To improve the orderly process of calendaring, motions and orders so as to reduce the time from the

filing of an appeal to its disposition. Also to update mailing address.

Citation of Existing Rules Affected by this Order: Repealing WAC 461-08-165; and amending WAC 461-08-160.

Statutory Authority for Adoption: RCW 90.58.175.

Pursuant to notice filed as WSR 94-07-095 on March 17, 1994.

Changes Other than Editing from Proposed to Adopted Version: A specific schedule for motions practice is added.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1994

Robert V. Jensen  
Chairman

#### NEW SECTION

**WAC 461-08-001 Board administration and address of the board.** The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the appeals board holds regular meetings at 10:00 a.m. on the second Tuesday of each month at the address set forth below.

(2) The board is organized within the Environmental Hearings Office, 4224 - 6th Avenue SE, Building No. 2 Rowesix, Lacey, Washington. The mailing address is:

Shorelines Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

(3) The telephone number of the board is (206) 459-6327. The telefacsimile number is (206) 438-7699.

#### NEW SECTION

**WAC 461-08-047 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

#### NEW SECTION

**WAC 461-08-144 Procedures—Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Dispositive motions will be filed and briefed in accordance with CR 56 unless a scheduling letter or order varies that procedure. Each written motion shall have appended to it the order which the motion seeks. The moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible. If the motion is contested, the moving party shall note the motion for hearing on a date deemed by the clerk to be available for that purpose. The motion, order and note for hearing shall then be filed and served. Where the clerk specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call.

(2) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions

(including any supporting affidavits, memoranda of law, or other documentation):

(a) Except dispositive and ex parte motions, all motions and notice of the hearing thereof shall be filed and served not later than five days before the time specified for the hearing on the motion.

(b) All dispositive motions shall be filed and served not later than twenty-eight days before the hearing on the motion. Any party opposing the motion may file and serve a response not later than eleven days before the hearing on the motion. The moving party may file and serve a reply to the response not later than five days before the hearing on the motion.

(c) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the board.

(3) Where a scheduling letter or order so provides, or by stipulation, a motion will be decided on the written record.

#### NEW SECTION

**WAC 461-08-156 Hearing—Primary and secondary setting.** (1) Each case shall be assigned a primary hearing date. A case has first priority for hearing on that date.

(2) Each case may be assigned a secondary hearing date. That date will precede the primary hearing date. A case has second priority for hearing on the secondary date, and will proceed to hearing only if the primary case does not proceed. The parties to a primary case shall inform the clerk of the board as soon as any settlement occurs. The parties to a secondary case may contact the clerk of the board to learn whether or not the primary case will proceed. The parties to a secondary case may also contact directly the parties to a primary case to learn whether or not the primary case will proceed.

**AMENDATORY SECTION** (Amending Order 82-1, Resolution No. 82-1, filed 9/9/81)

**WAC 461-08-160 Hearings—Continuances(~~and hearing postponements~~) and dismissals. (~~(1) Continuances.~~**

~~(a) Pursuant to agreements at prehearing conference. If agreement is reached at a prehearing conference, continuances shall be granted in accordance with such agreement and no written application therefor shall be required.~~

~~(b) Requests prior to hearing. If, prior to the hearing date, a party is not able to fully present evidence at the scheduled hearing, such party shall file a written request for continuance with the board setting forth the reasons therefor as soon as such reasons are known and deliver copies to all other parties.~~

~~(c) Requests at time of hearing. If reasons requiring a continuance of a hearing are not known in time to permit compliance with subsection (b) of this section, application therefor may be made orally at the hearing.~~

~~(d) When granted. Applications for a continuance made pursuant to subsections (b) or (c) above shall only be granted upon a proper showing of good cause to prevent manifest injustice. In order to show "good cause," the party applying for a continuance because of the unavailability of a witness or witnesses shall show that due diligence was exercised in attempting to obtain the presence of such witnesses at the~~

~~time set for hearing and the reasons for their unavailability, and shall identify the witnesses and explain, in substance, what the testimony of such witnesses would prove. In all cases in which a request for continuance is granted, subsequent hearings shall be scheduled.~~

~~(2) **Hearing postponements.** A postponement of a hearing may be requested by any party after receipt of the notice of hearing. *Provided,* That written objections are filed within ten days of the receipt of such notice. Copies of such request shall be served on all other parties. If the request is granted, all parties shall be notified of the postponement. Requests for postponement not filed within the ten day period shall be granted only in exceptional cases to prevent manifest injustice.~~

~~In all cases where a request for postponement is granted, subsequent hearings shall be scheduled in accordance with WAC 461-08-165.~~

~~(3) **Dismissal.** If the appealing party fails to appear at the scheduled hearing and fails to obtain a continuance or postponement as provided in this section, the request for review shall be dismissed except to prevent manifest injustice or unless such party can show good cause for such failure. Such showing shall be made in writing and filed with the board, and copies shall be delivered to all other parties, not later than ten days after the date of mailing of the order of dismissal.) (1) Continuance of a hearing is within the discretion of the board, whether contested or uncontested by the parties. The board may continue a hearing on its own motion.~~

(2) The continuance of a hearing shall be sought by written motion. Each such motion shall have appended to it the continuance order which the motion seeks. The moving party shall: Contact the clerk of the board to determine available dates; affirmatively seek the stipulation of all parties; and set forth the continued date in the order. If the continuance is contested, the moving party shall set forth in the order the continued date being requested and shall note the motion for telephonic hearing on a date deemed by the clerk to be available for that purpose. The motion, order and note for telephonic hearing shall then be filed and served. The moving party shall originate the telephonic hearing conference call.

#### NEW SECTION

**WAC 461-08-167 Dismissal or default.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before appellant rests are mandatory and afterwards are permissive.

#### NEW SECTION

**WAC 461-08-237 Disposition of contested cases—Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel. The same shall be based upon the oral or memorandum opinion. The board or presiding officer may adopt said findings, conclusions and orders in part or in whole or may prepare their own findings, conclusions and orders.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 461-08-165 Hearings—Conditions for setting subsequent hearings.

**WSR 94-12-029  
PERMANENT RULES  
HYDRAULICS APPEALS BOARD**

[Filed May 24, 1994, 4:20 p.m.]

Date of Adoption: May 10, 1994.

Purpose: To adopt rules of procedure. Former rules adopted under chapter 1-08 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 259-04-060.

Statutory Authority for Adoption: RCW 75.20.140.

Pursuant to notice filed as WSR 94-07-096 on March 17, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1994  
Hedia Adelman  
Chairman

AMENDATORY SECTION (Amending Order 1, filed 3/2/89)

**WAC 259-04-060 Procedures applicable.** ~~((The board and all parties shall be guided by the uniform procedural rules established in chapter 1-08 WAC which are expressly adopted in their entirety by this reference.)) Insofar as applicable and not in conflict with these rules, the procedural rules established in chapter 371-08 WAC shall apply.~~

**WSR 94-12-030  
PERMANENT RULES  
FOREST PRACTICES  
APPEALS BOARD**

[Filed May 24, 1994, 4:21 p.m.]

Date of Adoption: May 10, 1994.

Purpose: To improve the orderly process of calendaring, motions and orders so as to reduce the time from the filing of an appeal to its disposition. Also to update mailing address.

Citation of Existing Rules Affected by this Order: Amending WAC 223-08-010 and 223-08-165.

Statutory Authority for Adoption: RCW 76.09.230(5).



Pursuant to notice filed as WSR 94-07-097 on March 17, 1994.

Changes Other than Editing from Proposed to Adopted Version: A specific schedule for motions practice is added.

Effective Date of Rule: Thirty-one days after filing.

May 10, 1994

Norman L. Winn  
Chairman

AMENDATORY SECTION (Amending WSR 90-23-093, filed 11/21/90, effective 12/22/90)

**WAC 223-08-010 Board administration and address of the board.** (1) The administrative business of the appeals board, except rule making, is performed by the environmental hearings office(~~(, which holds regular meetings on the third Tuesday of each month, pursuant to WAC 198-12-030, at the address set forth below and at such other times and places as necessary))~~ To the extent necessary for rule making, the appeals board holds regular meetings at 10:00 a.m. on the second Tuesday of each month at the address set forth below.

(2) The appeals board is organized within the Environmental Hearings Office, 4224 - 6th Avenue S.E., Building No. 2 Rowsix, Lacey, Washington. The mailing address is:

Forest Practices Appeals Board  
(~~Mailstop: PY-21~~)  
PO Box 40903  
Olympia, Washington 98504-0903

(3) The telephone number of the board is (206) 459-6327. The telefacsimile number is (206) 438-7699.

#### NEW SECTION

**WAC 223-08-072 Appearance and practice—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

#### NEW SECTION

**WAC 223-08-148 Procedures—Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Dispositive motions will be filed and briefed in accordance with CR 56 unless a scheduling letter or order varies that procedure. Each written motion shall have appended to it the order which the motion seeks. The moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible. If the motion is contested, the moving party shall note the motion for hearing on a date deemed by the clerk to be available for that purpose. The motion, order and note for hearing shall then be filed and served. Where the clerk specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call.

(2) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions

(including any supporting affidavits, memoranda of law, or other documentation):

(a) Except dispositive and ex parte motions, all motions and notice of the hearing thereof shall be filed and served not later than five days before the time specified for the hearing on the motion.

(b) All dispositive motions shall be filed and served not later than twenty-eight days before the hearing on the motion. Any party opposing the motion may file and serve a response not later than eleven days before the hearing on the motion. The moving party may file and serve a reply to the response not later than five days before the hearing on the motion.

(c) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the board.

(3) Where a scheduling letter or order so provides, or by stipulation, a motion will be decided on the written record.

#### NEW SECTION

**WAC 223-08-162 Hearing—Primary and secondary setting.** (1) Each case shall be assigned a primary hearing date. A case has first priority for hearing on that date.

(2) Each case may be assigned a secondary hearing date. That date will precede the primary hearing date. A case has second priority for hearing on the secondary date, and will proceed to hearing only if the primary case does not proceed. The parties to a primary case shall inform the clerk of the board as soon as any settlement occurs. The parties to a secondary case may contact the clerk of the board to learn whether or not the primary case will proceed. The parties to a secondary case may also contact directly the parties to a primary case to learn whether or not the primary case will proceed.

AMENDATORY SECTION (Amending WSR 90-23-093, filed 11/21/90, effective 12/22/90)

**WAC 223-08-165 Hearing—Continuance(~~(, and dismissal/default)~~).** (1) Continuance.

Continuance of a hearing is within the discretion of the appeals board whether contested or uncontested by the parties. The appeals board may continue a hearing upon its own motion.

(2) (~~Dismissal, default.~~)

~~(a) The appealing party may request to voluntarily withdraw an appeal orally at any conference or hearing and at any other time by filing a written request with the appeals board and serving a copy simultaneously upon all persons entitled to service of the notice commencing the proceeding. Requests before the appealing party rests after his opening case shall be granted. Requests after the appealing party rests after his opening case may be granted or denied at the discretion of the appeals board.~~

~~(b) Whenever an appealing party fails to appear at a scheduled hearing without voluntarily withdrawing or obtaining a continuance, the appeal shall be dismissed except to prevent manifest injustice. The appealing party may request that the appeals board vacate such order of dismissal by filing a writing under oath with the appeals board, within ten days of the date of such order, showing good cause for~~

failure to appear. Upon a finding that good cause has been shown, the appeals board shall vacate the dismissal and set a subsequent hearing.

~~(e) Whenever a respondent fails to appear at a scheduled hearing without obtaining a continuance, the appeals board shall enter, upon presentation of a prima facie case, a default order granting the relief requested by the appealing party except where manifest injustice would result. The respondent may request that the appeals board vacate such default order by filing with the appeals board, within ten days of the date of such order, a writing under oath showing good cause for failure to appear and a meritorious position in the case. Upon a finding that good cause and a meritorious argument have been shown, the appeals board shall vacate the default order and set a subsequent hearing.)~~ The continuance of a hearing shall be sought by written motion. Each such motion shall have appended to it the continuance order which the motion seeks. The moving party shall: Contact the clerk of the board to determine available dates; affirmatively seek the stipulation of all parties; and set forth the continued date in the order. If the continuance is contested, the moving party shall set forth in the order the continued date being requested and shall note the motion for telephonic hearing on a date deemed by the clerk to be available for that purpose. The motion, order and note for telephonic hearing shall then be filed and served. The moving party shall originate the telephonic hearing conference call.

#### NEW SECTION

**WAC 223-08-171 Hearing—Dismissal or default.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before appellant rests are mandatory and afterwards are permissive.

#### NEW SECTION

**WAC 223-08-252 Decision—Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel. The same shall be based upon the oral or memorandum opinion. The board or presiding officer may adopt said findings, conclusions and orders in part or in whole or may prepare their own findings, conclusions and orders.

WSR 94-12-034  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE  
[Filed May 25, 1994, 3:30 p.m.]

Date of Adoption: May 25, 1994.

Purpose: Sets license fees in categories of commission merchant, dealer, limited dealer, broker, cash buyer and agent.

Citation of Existing Rules Affected by this Order: Amending chapter 16-694 WAC.

Statutory Authority for Adoption: Chapter 20.01 RCW. Pursuant to notice filed as WSR 94-09-055 on April 20, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The fee increases contained in this amendment are within the fiscal growth factors for fiscal year 1994 and fiscal year 1995.

Effective Date of Rule: Thirty-one days after filing.  
May 25, 1994  
James M. Jesernig  
Director

AMENDATORY SECTION (Amending Order 2062, filed 11/26/90, effective 12/27/90)

**WAC 16-694-001 License fees.** (1) Effective June 25, 1994, the license fee for any person who wishes to act as a commission merchant, dealer, broker, cash buyer, or agent shall be as follows:

~~((1))~~ (a) Commission merchant, three hundred ~~((fifteen))~~ thirty-seven dollars;

~~((2))~~ (b) Dealer, three hundred ~~((fifteen))~~ thirty-seven dollars;

~~((3))~~ (c) Limited dealer, one hundred ~~((seventy-five))~~ eighty-seven dollars;

~~((4))~~ (d) Broker, two hundred ~~((twenty))~~ thirty-five dollars;

~~((5))~~ (e) Cash buyer, ~~((seventy))~~ seventy-five dollars;

~~((6))~~ (f) Agent, ~~((twenty-five))~~ twenty-six dollars.

(2) Effective July 1, 1994, the license fee for any person who wishes to act as a commission merchant, dealer, broker, cash buyer, or agent shall be as follows:

(a) Commission merchant, three hundred fifty-seven dollars;

(b) Dealer, three hundred fifty-seven dollars;

(c) Limited dealer, one hundred ninety-eight dollars;

(d) Broker, two hundred forty-nine dollars;

(e) Cash buyer, seventy-nine dollars;

(f) Agent, twenty-eight dollars.

WSR 94-12-035  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE  
[Filed May 25, 1994, 3:37 p.m.]

Date of Adoption: May 25, 1994.

Purpose: Prescribes fees for weighing and measuring standards calibration services performed by the state metrology laboratory.

Citation of Existing Rules Affected by this Order: Amending chapter 16-675 WAC.

Statutory Authority for Adoption: Chapter 19.94 RCW. Pursuant to notice filed as WSR 94-09-054 on April 20, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The fee

increases contained in this amendment are within the fiscal growth factors for fiscal year 1994 and fiscal year 1995.

Effective Date of Rule: Thirty-one days after filing.  
May 25, 1994  
James M. Jesernig  
Director

**AMENDATORY SECTION** (Amending Order 2063, filed 11/26/90, effective 12/27/90)

**WAC 16-675-010 Purpose.** The department of agriculture promulgates this chapter to implement the provisions of RCW ((19.94.190(6))) 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory.

**NEW SECTION**

**WAC 16-675-029 Condition of submitted weights and measures.** (Effective through June 30, 1994.) Weights and measures submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of \$26.75 an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

**AMENDATORY SECTION** (Amending Order 2063, filed 11/26/90, effective 12/27/90)

**WAC 16-675-030 Condition of submitted weights and measures.** (Effective July 1, 1994.) Weights and measures submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of ((~~\$25.00~~)) \$28.30 an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

**NEW SECTION**

**WAC 16-675-039 Schedule of laboratory fees.** (Effective through June 30, 1994.) The following fees will be charged for services performed by the weights and measures laboratory of the department:

- (1) For the testing or calibration of avoirdupois weights;
  - weighing less than 50 lbs. . . . . \$ 21.40 an hour
  - weighing from 50 to 499 lbs. . . . . \$ 32.10 an hour
  - weighing 500 lbs. or more . . . . . \$ 53.50 an hour

For the testing or calibration of metric weights;

- weighing less than 20 kg . . . . . \$ 21.40 an hour
- weighing from 20 to 24 kg . . . . . \$ 26.75 an hour
- weighing from 25 to 249 kg . . . . . \$ 32.10 an hour
- weighing 250 kg or more . . . . . \$ 53.50 an hour

- (2) For the testing or calibration of class 5, 6, c or f weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
  - sets containing less than 10 weights . . . . . \$ 21.40 a set
  - sets containing 10 to 24 weights . . . . . \$ 42.80 a set
  - sets containing 25 to 39 weights . . . . . \$ 64.20 a set
  - sets containing 40 weights or more . . . . . \$107.00 a set

There will be an additional charge of \$53.50 a set for any requested declaration of the nominal values or uncertainties of the weights contained in any weight set.

- (3) For the testing or calibration of class 1, 2, 3 or 4 weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;
  - sets containing less than 10 weights . . . . . \$ 80.25 a set
  - sets containing 10 to 24 weights . . . . . \$160.50 a set
  - sets containing 25 to 39 weights . . . . . \$240.75 a set
  - sets containing 40 weights or more . . . . . \$428.00 a set

- (4) For the testing or calibration of liquid measuring standards;
  - (a) measuring less than 5 gallons . . . . . \$ 10.70 each
  - measuring 5 to 24 gallons . . . . . \$ 21.40 each
  - measuring 25 to 49 gallons . . . . . \$ 42.80 each
  - measuring 50 to 99 gallons . . . . . \$ 85.60 each
  - measuring 100 to 499 gallons . . . . . \$160.50 each
  - measuring 500 to 999 gallons . . . . . \$214.00 each
  - measuring 1,000 gallons or more . . . . . \$267.50 each
  - (b) measuring less than 20 liters . . . . . \$ 10.70 each
  - measuring 20 to 99 liters . . . . . \$ 21.40 each
  - measuring 100 to 199 liters . . . . . \$ 42.80 each
  - measuring 200 to 399 liters . . . . . \$ 85.60 each
  - measuring 400 to 1,999 liters . . . . . \$160.50 each
  - measuring 2,000 to 3,999 liters . . . . . \$214.00 each
  - measuring 4,000 liters or more . . . . . \$267.50 each

There will be an additional charge of \$10.70 per hour for any testing or calibration of any other liquid measuring standards, except that the fee to be charged for flasks, graduates, cylinders and other precision glassware will be \$26.75 for each flask, graduate, cylinder or other precision glassware, regardless of capacity.

- (5) For the testing or calibration of linear measuring devices;
  - rulers . . . . . \$ 21.40 each
  - measuring tapes less than 25 feet . . . . . \$ 26.75 each
  - measuring tapes 25 to 99 feet . . . . . \$ 53.50 each
  - measuring tapes 100 feet or more . . . . . \$107.00 each
- (6) For the testing or calibration of scales;
  - analytical scales . . . . . \$ 48.15 each
  - bench scales . . . . . \$ 21.40 each
  - counter scales . . . . . \$ 21.40 each
  - grain test scales . . . . . \$ 26.75 each
  - jeweler's scales . . . . . \$ 26.75 each
  - platform scales . . . . . \$ 32.10 each
  - prescription scales . . . . . \$ 48.15 each
  - any other scale . . . . . \$ 53.50 each

**AMENDATORY SECTION** (Amending Order 2063, filed 11/26/90, effective 12/27/90)

**WAC 16-675-040 Schedule of laboratory fees.** (Effective July 1, 1994.) The following fees will be charged for services performed by the weights and measures laboratory of the department:

- (1) For the testing or calibration of avoirdupois weights;
  - weighing less than 50 lbs. . . . . \$ ((~~20.00~~)) 22.60 an hour

PERMANENT

weighing from 50 to 499 lbs. . . . . \$ ~~(30.00)~~ 34.00 an hour  
 weighing 500 lbs. or more . . . . . \$ ~~(50.00)~~ 56.70 an hour

prescription scales . . . . . \$ ~~(45.00)~~ 51.00 each  
 any other scale . . . . . \$ ~~(50.00)~~ 56.70 each

For the testing or calibration of metric weights;

weighing less than 20 kg . . . . . \$ ~~(20.00)~~ 22.60 an hour  
 weighing from 20 to 24 kg . . . . . \$ ~~(25.00)~~ 28.30 an hour  
 weighing from 25 to 249 kg . . . . . \$ ~~(30.00)~~ 34.00 an hour  
 weighing 250 kg or more . . . . . \$ ~~(50.00)~~ 56.70 an hour

(2) For the testing or calibration of class 5, 6, c or f weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;

sets containing less than 10 weights . . . . . \$ ~~(20.00)~~ 22.60 a set  
 sets containing 10 to 24 weights . . . . . \$ ~~(40.00)~~ 45.30 a set  
 sets containing 25 to 39 weights . . . . . \$ ~~(60.00)~~ 68.00 a set  
 sets containing 40 weights or more . . . . . \$ ~~(100.00)~~ 113.40 a set

There will be an additional charge of ~~(50.00)~~ \$56.70 a set for any requested declaration of the nominal values or uncertainties of the weights contained in any weight set.

(3) For the testing or calibration of class 1, 2, 3 or 4 weight sets, as defined in the laboratory weights and precision mass standards adopted by the American Society of Testing and Materials and the American National Standard Institute;

sets containing less than 10 weights . . . . . \$ ~~(75.00)~~ 85.00 a set  
 sets containing 10 to 24 weights . . . . . \$ ~~(150.00)~~ 170.10 a set  
 sets containing 25 to 39 weights . . . . . \$ ~~(225.00)~~ 255.20 a set  
 sets containing 40 weights or more . . . . . \$ ~~(400.00)~~ 453.60 a set

(4) For the testing or calibration of liquid measuring standards;

- (a) measuring less than 5 gallons . . . . . \$ ~~(10.00)~~ 11.30 each  
 measuring 5 to 24 gallons . . . . . \$ ~~(20.00)~~ 22.60 each  
 measuring 25 to 49 gallons . . . . . \$ ~~(40.00)~~ 45.30 each  
 measuring 50 to 99 gallons . . . . . \$ ~~(80.00)~~ 90.70 each  
 measuring 100 to 499 gallons . . . . . \$ ~~(150.00)~~ 170.10 each  
 measuring 500 to 999 gallons . . . . . \$ ~~(200.00)~~ 226.80 each  
 measuring 1,000 gallons or more . . . . . \$ ~~(250.00)~~ 283.50 each
- (b) measuring less than 20 liters . . . . . \$ ~~(10.00)~~ 11.30 each  
 measuring 20 to 99 liters . . . . . \$ ~~(20.00)~~ 22.60 each  
 measuring 100 to 199 liters . . . . . \$ ~~(40.00)~~ 45.30 each  
 measuring 200 to 399 liters . . . . . \$ ~~(80.00)~~ 90.70 each  
 measuring 400 to 1,999 liters . . . . . \$ ~~(150.00)~~ 170.10 each  
 measuring 2,000 to 3,999 liters . . . . . \$ ~~(200.00)~~ 226.80 each  
 measuring 4,000 liters or more . . . . . \$ ~~(250.00)~~ 283.50 each

There will be an additional charge of ~~(10.00)~~ \$11.30 per hour for any testing or calibration of any other liquid measuring standards, except that the fee to be charged for flasks, graduates, cylinders and other precision glassware will be ~~(25.00)~~ \$28.30 for each flask, graduate, cylinder or other precision glassware, regardless of capacity.

(5) For the testing or calibration of linear measuring devices; rulers . . . . . \$ ~~(20.00)~~ 22.60 each  
measuring tapes less than 25 feet . . . . . \$ ~~(25.00)~~ 28.30 each  
measuring tapes 25 to 99 feet . . . . . \$ ~~(50.00)~~ 56.70 each  
measuring tapes 100 feet or more . . . . . \$ ~~(100.00)~~ 113.40 each

(6) For the testing or calibration of scales; analytical scales . . . . . \$ ~~(45.00)~~ 51.00 each  
bench scales . . . . . \$ ~~(20.00)~~ 22.60 each  
counter scales . . . . . \$ ~~(20.00)~~ 22.60 each  
grain test scales . . . . . \$ ~~(25.00)~~ 28.30 each  
jeweler's scales . . . . . \$ ~~(25.00)~~ 28.30 each  
platform scales . . . . . \$ ~~(30.00)~~ 34.00 each

**WSR 94-12-038**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [May 25, 1994, 3:51 p.m.]

Date of Adoption: May 13, 1994.

Purpose: To adopt procedural rules for boards as they were prepared by the Office of Professional Standards, and including subsequent amendments.

Statutory Authority for Adoption: RCW 18.32.640.  
Pursuant to notice filed as WSR 94-03-045 on January 12, 1994.

Effective Date of Rule: Thirty-one days after filing.  
May 13, 1994

Paul E. Lovdahl, D.D.S., Chair  
Dental Disciplinary Board

NEW SECTION

**WAC 246-816-015 Adjudicative proceedings - Procedural rules for the dental disciplinary board.** The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

**WSR 94-12-039**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Examining Board of Psychology)  
 [Filed May 25, 1994, 3:55 p.m.]

Date of Adoption: May 13, 1994.

Purpose: Adopt, amend and repeal the rules on the list shown below relating to the practice of psychology.

Citation of Existing Rules Affected by this Order: Amending WAC 246-924-020 Applications for licensure, 246-924-040 Psychologists—Education prerequisite to licensing, 246-924-050 Psychologists—Education prerequisite to licensing for applicants enrolled in a doctoral program between December 28, 1978, to October 19, 1987, 246-924-080 Psychology examination—Application submittal date, 246-924-110 Aids education and training, 246-924-120 Psychologists—Renewal of licenses, 246-924-130 Certificate of qualification, 246-924-230 Continuing education requirements, 246-924-240 Definition of categories of creditable CPE, 246-924-250 Continuing education—Special considerations, 246-924-290 Continuing education—Certification of compliance, 246-924-300 Definition of acceptable documentation and proof of CPE, and 246-924-320 Continuing education—Enforcement; and new sections WAC 246-924-095 Failure of oral examination and 246-924-490 Responsibility for maintaining mailing address on file with the board; and repealing WAC 246-924-190 Staggered effective periods for new continuing education rules, WAC 308-122-586 through 308-122-583, 246-924-200 Continuing education—General requirements, 246-924-210 Continuing education—Categories of creditable activities, 246-924-220 Continuing

PERMANENT

education—Categories of creditable activities, 246-924-260  
 Continuing education—Enforcement, 246-924-270 Continuing  
 education—Exemptions, 246-924-280 Continuing  
 education—Program or course approval, 246-924-310  
 Continuing education—Special considerations, and 246-924-  
 460 Telephone directory listings.

Statutory Authority for Adoption: RCW 18.83.050(5).

Pursuant to notice filed as WSR 94-08-039 on March  
 31, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 13, 1994

Dolph M. Printz, Ph.D.

Chair

#### NEW SECTION

##### **WAC 246-924-095 Failure of oral examination.**

After an oral examination failure, an applicant shall sit for  
 reexamination as follows:

(1) First reexamination: At the next administration date  
 or any subsequent administration date;

(2) Second reexamination: At least one year after the  
 date of the first reexamination;

(3) Successive reexamination: At least one year after  
 the date of the previous reexamination and after having  
 shown adequate proof of meeting any additional professional  
 training required by the board.

AMENDATORY SECTION (Amending Order 129B, filed  
 1/28/91, effective 2/28/91)

**WAC 246-924-230 Continuing education require-  
 ments.** (1) The Washington state board of psychology  
 (hereafter referred to as the board) requires a minimum of  
~~((one hundred fifty))~~ sixty hours of continuing psychological  
 education (hereafter referred to as CPE) every three years.

(2) One clock hour of instruction and/or training shall  
 equal one credit hour for the purpose of satisfying the ~~((one  
 hundred fifty))~~ sixty hour CPE requirement.

(3) ~~((A minimum of sixty hours must be earned in  
 Category I; all one hundred fifty hours may be earned in  
 Category I.~~

~~((4) A maximum of ninety hours may be earned in  
 Category II; there is no minimum required for this category.~~

~~((5))~~ Credit hours in excess of the requirements set forth  
 cannot be credited to CPE requirements for any succeeding  
 three year cycle.

~~((6))~~ (4) A minimum of four hours credit in ethics  
 must be included in the sixty hours required ~~((in Category  
 I)).~~ Areas to be covered, depending on the licensee's  
 primary area(s) of function are practice, consultation,  
 research, teaching, and/or supervision.

~~((7))~~ (5) Faculty providing CPE offerings shall meet  
 the training and the full qualifications of their respective  
 professions. All faculty shall have demonstrated an expertise  
 in the areas in which they are instructing.

AMENDATORY SECTION (Amending Order 129B, filed  
 1/28/91, effective 2/28/91)

**WAC 246-924-240 Definitions of categories of  
 creditable CPE.** ~~((1))~~ All CPE activities shall be directly  
 relevant to maintaining or increasing professional or scientifi-

ic competence in psychology. Courses or workshops  
 primarily designed to increase practice income or office  
 efficiency, while valuable to the licensee, are specifically  
 noneligible for CPE credit. Recognized activities ~~((for  
 Category I))~~ shall include:

~~((a))~~ (1) Courses, seminars, workshops and post-  
 doctoral institutes offered by educational institutions char-  
 tered by a state and recognized (accredited) by a regional  
 association of schools, colleges and universities as providing  
 graduate level course offerings. Such educational activities  
 shall be recorded on an official transcript or certificate of  
 completion (see WAC ~~((308-122-563))~~ 246-924-180).

~~((b))~~ (2) Courses (including correspondence courses),  
 seminars, workshops and post-doctoral institutes sponsored  
 by the American Psychological Association, the National  
 Academy of Professional Psychologists, regional or state  
 psychological associations or their subchapters, psychology  
 internship training centers and other professionally or  
 scientifically recognized behavioral science organizations  
 such as, but not limited to, National Training Laboratories,  
 National Association of Social Workers, Department of  
 Veterans' Affairs, Regional Medical Education Centers,  
 Western Psychological Association, Northwest Family  
 Training Institute, Seattle Institute for Psychoanalytic  
 Training.

~~((2))~~ Recognized activities of Category II shall include:

~~((a))~~ Obtaining consultative training from a licensed  
 professional or institute (other than supervision which is  
 routinely required in one's employment).

~~((b))~~ CPE which includes in service and in-house semi-  
 nars, case conferences, lectures, professional journal and  
 book study groups, as well as noninstitutionally organized  
 regularly scheduled similar activities.

~~((c))~~ Teaching a specific course to psychology and other  
 allied health students may be counted the first time it is  
 taught. One classroom hour equals one CPE hour. The  
 course may be counted only once.

~~((d))~~ Supervising psychologists, psychology students,  
 institutional staff, or other professionals or students from an  
 institution with a formal teaching or training program, if the  
 institution has approved the supervision, shall qualify for  
 CPE on an hourly basis. Privately arranged supervision shall  
 meet the professionally accepted standards of supervision.

~~((e))~~ Writing and having accepted for publication articles  
 and/or chapters for books. Such publications must appear in  
 a scientific, psychological, or allied professional journal or  
 book. Twenty five hours may be earned for each such  
 article or chapter. Editing the work of others is not accept-  
 able for CPE credit.

~~((f))~~ Presentation of a scientific or professional paper or  
 program at a professional/scientific meeting of psychologists  
 or allied professionals. Ten hours of CPE credit may be  
 claimed only once for the same materials or program  
 regardless of how often presented.

~~((g))~~ Attendance at or participation in professional  
 meetings or conventions of national, regional, or state  
 psychological associations or other professionally recognized  
 behavioral science conventions. A maximum of five hours  
 may be claimed for each convention or professional meeting.

~~((h))~~ Courses or workshops offered by accredited colleges  
 or universities not offering graduate courses in psychology.)

**AMENDATORY SECTION** (Amending Order 117B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-250 Continuing education—Special considerations.** In lieu (total or partial) of ~~((one hundred fifty))~~ sixty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) and American Board of Professional Hypnosis (ABPH) in lieu of ~~((one hundred fifty))~~ sixty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.

**AMENDATORY SECTION** (Amending Order 117B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-290 Continuing education—Certification of compliance.** (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the ~~((one hundred fifty))~~ sixty hours CPE requirement on a form supplied by the board.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate, compliance with the ~~((one hundred fifty))~~ sixty hours CPE requirement. Therefore, it is the responsibility of each licensee to maintain records, certificates, or the other evidence of CPE compliance.

**AMENDATORY SECTION** (Amending Order 129B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-300 Definition of acceptable documentation and proof of CPE.** Licensees are responsible for

acquiring and maintaining all acceptable documentation of their CPE activities.

Acceptable documentation ~~((for Category I CPE))~~ shall include transcripts, letters from course instructors, or certificate of completion or other formal certification. In all cases other than transcripts, the documentation must show the participant's name, the activity title, number of CPE credit hours, date(s) of activity, faculty's name(s) and degree and the signature of verifying individual (program sponsor).

**AMENDATORY SECTION** (Amending Order 129B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-320 Continuing education—Enforcement.** (1) Affidavit of compliance: Every third year, in conjunction with the application for renewal of license, a licensee shall submit an affidavit of compliance with the requirement of ~~((one hundred fifty))~~ sixty hours of CPE on a form supplied by the board. Failure to submit such affidavit at licensure renewal time, or submission of the affidavit in such manner that CPE compliance cannot be determined by the board will result in denial of renewal of license. Subsequent renewal will be based on the decision of the board after compliance has been determined to be adequate.

(2) Audit: A percentage, which shall be determined by the board, of all licensees' affidavits submitted in conjunction with license renewal applications shall be regularly audited for supporting documentation by the board. Upon audit, it is the sole responsibility of the licensee to submit copies of the appropriate and acceptable documentation of completed CPE activities to the board. Failure to comply with the audit documentation request or failure to supply acceptable documentation within sixty days of the date of the audit request (in the absence of justification acceptable to the board) shall result in disciplinary action which shall remain in place until compliance is deemed acceptable by the board.

(3) Failure to meet the CPE requirements within each three-year cycle shall result in disciplinary action by the board. The licensee so disciplined may petition the board for a hearing. License reinstatement shall be based on decision of the board.

#### **NEW SECTION**

**WAC 246-924-490 Responsibility for maintaining mailing address on file with the board.** It is the responsibility of each licensee to maintain a current mailing address on file with the board. The mailing address on file with the board shall be used for mailing of all official matters from the board to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, then the board shall proceed against the licensee by default under RCW 34.05.440.

**AMENDATORY SECTION** (Amending Order 117B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-020 Applications for licensure.** Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other require-

ments, evidence to show compliance with the educational requirements of WAC ((308-122-280)) 246-924-110.

**AMENDATORY SECTION** (Amending Order 335B, filed 3/3/93, effective 4/3/93)

**WAC 246-924-040 Psychologists—Education prerequisite to licensing.** This rule shall apply for applicants enrolled after October 19, 1987, in a program leading to a doctoral degree. To meet the education requirement of RCW 18.83.070, an applicant shall possess a doctoral degree from an institution of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses shall have been passed successfully, and can be clearly identified by title and course content as being part of a psychology program. One of the standards for issuance of said degree shall have been the submission of an original dissertation which was psychological in nature. Endorsement by the program administrator shall be requested and considered.

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

(a) The program shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures shall show intent to educate and train psychologists.

(b) The psychology program shall stand as a recognized, coherent, entity within the institution.

(c) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(d) There shall be an organized sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field of psychology.

(e) There shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

(f) There shall be an identified body of students selected on the basis of high ability and appropriate educational preparation.

(2) The following defines the academic program:

(a) The curriculum shall encompass a minimum of three academic years of full-time graduate study or their equivalent. The doctoral program shall involve at least one continuous year of full-time residency at the institution which grants the degree. A minimum of seven hundred fifty hours of student-faculty contact involving face-to-face individual or group educational meetings shall be considered in lieu of one year residency. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least seventy-five percent of the time, be fully documented by the institution and the applicant, and relate substantially to the program components specified. The applicant shall clearly have had instruction in: History and systems, research design and methodology, statistics and psychometrics. The program shall require each student to complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior (physiological psychology, comparative psychology, neurobases, sensation and perception, biological bases of development);

(ii) Cognitive-affective bases of behavior (learning, thinking, motivation, emotion, cognitive development);

(iii) Social bases of behavior (social psychology, organizational theory, community psychology, social development);

(iv) Individual differences (personality theory, psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in clinical, counseling, school or other applied area, the program shall include coordinated practicum and internship experience.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of direct experience and 100 hours of supervision.

(b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association and/or the Association of Psychology Postdoctoral and Internship Centers shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.



(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

(4) Applicants for licensure who obtained degrees from foreign universities shall first submit, at their own expense, their credentials to an independent, private professional organization approved by the board to establish equivalency of training required by this section.

**AMENDATORY SECTION** (Amending Order 335B, filed 3/3/93, effective 4/3/93)

**WAC 246-924-050 Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978 to October 19, 1987.** (1) This rule applies for applicants enrolled between December 28, 1978 and October 19, 1987 in a program leading to a doctoral degree. To meet the education requirement imposed by the statute, an applicant must possess a doctoral degree from a training institution approved by the board in which at least forty semester hours, or sixty quarter-hours, of graduate courses were passed successfully, and were clearly identified by title and course content as being primarily psychological in nature, as determined by the board. Part of the standards for issuance of said degree must require the submission of an original dissertation which must be psychological in nature, as determined by the board.

(2) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in regionally accredited institution of higher education.

(c) The program must be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures must show intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(f) There must be an organized sequence of study planned by those responsible for the training program to provide an appropriate, integrated, experience applicable to the professional practice of psychology.

(g) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(h) There must be an identifiable body of students, selected on the basis of high ability and appropriate educational preparation.

(i) Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

(j) The curriculum should encompass a minimum (or equivalent) of three academic years of full-time graduate study. The doctoral program should involve at least one continuous year of full-time residency at the university at

which the degree is granted. Instruction should include scientific and professional ethics and standards, history and systems: Research design and methodology; statistics and psychometrics. The core program should also require each student to obtain an academic background of the following content areas (typically six or more semester hours):

(i) Biological bases of behavior: e.g., physiological psychology, comparative, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: e.g., learning, thinking, motivation, emotions.

(iii) Social bases of behavior: e.g., social, psychology, group processes, organizational and systems theory.

(iv) Individual differences: e.g., personality theory, human development, abnormal psychology.

(3) If the major emphasis is in an applied area such as clinical, counseling, school or other pertinent areas, the program must include a set of coordinated practicum and internship experiences which total at least two semesters in the practicum setting, and additionally a "one-year" internship. A minimum of 300 hours of practicum, including 100 hours of scheduled individual supervision, should precede the internship.

(4) The psychological services offered in the internship program in "Standards for providers of psychological services" published by the American Psychological Association and/or the Association of Psychology Postdoctoral and Internship Centers may be used as a framework for the internship program. The board also recognizes other quality internship programs.

**AMENDATORY SECTION** (Amending Order 117B), filed 1/28/91, effective 2/28/91)

**WAC 246-924-080 Psychology examination—Application submittal date.** To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of (~~licensing~~) health not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year.

**AMENDATORY SECTION** (Amending Order 117B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-110 AIDS education and training.** (1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC ((308-422-520)) 246-924-240(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on



lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

**AMENDATORY SECTION** (Amending Order 117B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-120 Psychologists—Renewal of licenses.** (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC ((308-122-280)) 246-924-110. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

**AMENDATORY SECTION** (Amending Order 129B, filed 1/28/91, effective 2/28/91)

**WAC 246-924-130 Certificates of qualification.** Certificates of qualification shall not be granted. Those holding certificates of qualification as of July 1, 1990, shall continue to be in conformance with WAC ((308-122-370, 308-122-430, and 308-122-440)) 246-924-140, 246-924-150, and 246-924-160.

**WSR 94-12-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3738—Filed May 26, 1994, 3:16 p.m., effective July 1, 1994]

Date of Adoption: May 26, 1994.

Purpose: Implements Section 13912 of the Mickey Leland Childhood Hunger Relief Act, P.L. 103-66. Raises the food stamp shelter cap from \$207 to \$231 effective July 1, 1994.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-500 Income deductions.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (e)(5)(ii).

Pursuant to notice filed as WSR 94-07-031 on March 9, 1994.

Effective Date of Rule: July 1, 1994.

May 26, 1994

Dewey Brock, Chief  
Office of Vendor Services

**AMENDATORY SECTION** (Amending Order 3666, filed 11/10/93, effective 12/11/93)

**WAC 388-49-500 Income—Deductions.** (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred thirty-one dollars per household per month;

(b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);

(c) A dependent care deduction of the actual amount incurred not to exceed one hundred sixty dollars per dependent when care is necessary for a household member to:

(i) Seek, accept, or continue employment; or

(ii) Attend training or education preparatory to employment.

(d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;

(e) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, and dependent care deductions. The shelter deduction shall not exceed two hundred ((seven)) thirty-one dollars; and

(f) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.

(2) A household's shelter costs may include:

(a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if the:

(i) Household intends to return to the home;

(ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and

(iii) Home is not being leased or rented during the household's absence.

(b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;

(c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs. A household may incur a separate utility charge when the household:

(i) Has not yet received a billing for utilities;

(ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or

(iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard allowance.

(d) Actual utility costs rather than the standard utility allowance if the household is:

(i) Not entitled to the standard utility allowance; or  
 (ii) Requesting use of actual utility bills. A monthly telephone standard shall be allowed for households incurring telephone expenses if the household is not entitled to claim the standard utility allowance.

(e) A shelter amount of one hundred thirty-seven dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

(i) Monthly shelter costs no greater than one hundred thirty-seven dollars; or

(ii) Unverified shelter costs exceeding one hundred thirty-seven dollars.

(3) A household may switch between actual utility costs and the standard utility allowance:

(a) At each recertification; and

(b) One additional time during each twelve-month period following the initial certification action.

(4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:

(a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;

(b) Receive food stamps as a nonassistance household until becoming categorically eligible; or

(c) Become categorically eligible after denial of nonassistance food stamps.

(5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:

(a) Reimbursement; or

(b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

(6) The department shall verify:

(a) Dependent care costs including changes, except in prospective budgeting; and

(b) Medical expenses and the reimbursement amounts resulting in a deduction(±

~~(i) At recertification, if the amount has changed more than twenty five dollars; and~~

~~(ii) On a monthly basis for a household subject to monthly reporting).~~

(c) Actual shelter costs for homeless households when such costs exceed the amount in subsection (2)(e) of this section.

(7) If medical reimbursement cannot be verified, the department shall certify the household without allowing the deduction, except in prospective budgeting.

(8) The department shall not verify anticipated changes in estimated medical expenses when the changes actually occur.

Purpose: WAC 388-96-010(14), to be in agreement with definition in chapter 248-14 WAC; WAC 388-96-010(43), removed a substantive provision and placed it in WAC 388-96-754; WAC 388-96-113(3), revised to grant an exception to 120 day rule to reverse accruals; WAC 388-96-134(1), add a clarifying comma; WAC 388-96-217, clarify what constitutes a violation, who may receive a fine, and when a fine may be waived; WAC 388-96-221(4), 388-96-226 and 388-96-228, to clarify the effect of ESSB 5724 (1993 session) on settlements; WAC 388-96-525(4), clarify what education and training expenses are allowable; WAC 388-96-533, to allow funding for administrator-in-training; WAC 388-96-534, to clarify that approved JCAD does not mean costs are allowable; WAC 388-96-559 (1)(c), clarify salvage values and their use in determining depreciation; WAC 388-96-565(1), update section to current practice; WAC 388-96-585 (2)(b), remove outdated language; WAC 388-96-585 (2)(w), clarify what employee benefits are not reimbursable; WAC 388-96-585 (2)(aa), clarify what fees for professional licenses are not reimbursable; WAC 388-96-585 (2)(vv), new subsection clarifying promotional advertising is unallowable; WAC 388-96-704, remove terms no longer used; WAC 388-96-707, repeal unnecessary because covered under WAC 388-96-585 (2)(b); WAC 388-96-709, to change administration and operation to administrative and operational and delineate difference between first and second rate years of a state fiscal biennium on the new contractor's rate; WAC 388-96-710, to clarify sample selection and the effect of the first and second rate years of a state fiscal biennium on the new contractor's rate; WAC 388-96-719(10), clarify ESSB 5724 effect on occupancy level determination in the first and second rate years of the state fiscal biennium; WAC 388-96-721, repeal because procedure not policy and no longer applicable; WAC 388-96-722, 388-96-727, 388-96-735 and 388-96-737, revised to reflect effect of current funding on the nursing, food, administrative and operational prospective rate for the first and second rate years of the state fiscal biennium; WAC 388-96-745, to clarify change in bed capacity as the result of capitalized addition or replacement on occupancy level determinations; WAC 388-96-753, new section on the effect of current funding under WAC 388-96-774, 388-96-776 and 388-96-777 on ROI; WAC 388-96-754, to remove references to current funding and to add substantive provisions on the determination of ROI in the first and second rate years of a state biennium; WAC 388-96-763, to clarify which cost reports and patient days will be used to set the rates for exceptionally heavy care under the new rate system established by ESSB 5724 of 1993; WAC 388-96-774, to clarify that current funding (CF) for staffing is only available for nursing and operational cost centers and must be requested after the date of hire. Limits the number of requests for CF to two for any state fiscal year. Adds bankruptcy, correction of survey citations and complaint resolution as prohibitions for granting and using CF. Remove CF for capitalized additions or replacements to new section WAC 388-96-776. Adds regulatory limits on completion of application and beginning date of CF; WAC 388-96-776, new section to delineate the rules for requesting CF for capitalized additions and replacements; WAC 388-96-777, new section giving the department the ability to grant CF on its own initiative. Contractors may not request current funding under this section; and WAC 388-96-904,

WSR 94-12-043  
 PERMANENT RULES  
 DEPARTMENT OF  
 SOCIAL AND HEALTH SERVICES  
 (Public Assistance)

[Order 3737—Filed May 26, 1994, 3:36 p.m.]

Date of Adoption: May 26, 1994.

eliminates the Office of Contracts Management as the reviewing authority for 904(1) audit challenges. Authority will rest with the Office of Rates Management. Clarifies the contractor's duties when a facsimile is used to establish a request date. Permits 904(1) conference earlier than fourteen days if both parties mutually agree. Requires contractor to submit documentation fourteen days in advance of conference. Clarifies when the administrative review determination will be issued.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 388-96-707 Program services not covered by the reimbursement rate and 388-96-721 Priorities in establishing rates and responding to appeals of desk-review adjustments; and amending WAC 388-96-010 (14) and (43), 388-96-113(3), 388-96-134(1), 388-96-217, 388-96-221(4), 388-96-226, 388-96-228, 388-96-532(4), 388-96-533, 388-96-534, 388-96-559 (1)(c), 388-96-565(1), 388-96-585 (2)(b), (w), (aa) and (vv), 388-96-704, 388-96-707, 388-96-709, 388-96-710, 388-96-719(10), 388-96-721, 388-96-722, 388-96-727, 388-96-735, 388-96-737, 388-96-745, 388-96-754, 388-96-763, 388-96-774, and 388-96-904; new sections WAC 388-96-753, 388-96-776 and 388-96-777.

**Statutory Authority for Adoption:** RCW 74.46.800.

Pursuant to notice filed as WSR 94-07-109 on March 21, 1994.

**Changes Other than Editing from Proposed to Adopted Version:** This description of changes is filed for publication in the Washington State Register pursuant to RCW 34.05.340 and is intended to describe the variance in content between WAC 388-96-010(14) as filed for proposed adoption and as filed for permanent adoption.

There are essentially two changes, although the first is reflected in several places:

(1) The proposed draft as published removed references to nursing facility "contractor" and substituted "operator." However, the present draft filed for permanent adoption restores the term "contractor" where appropriate and specifies that a nursing facility "operator" as used in the definition means an operator contracting with the department to deliver care services to medical care recipients.

Because the purpose of amending WAC 388-96-010(14) was to achieve consistency with WAC 248-14-001(10) (which defines "change of ownership" for purposes of nursing facility licensure), the term "operator" was thought to be an acceptable generic term covering both "licensee" and "contractor." However, "operator" is not defined in chapter 388-96 WAC and the Office of Rates Management would not be involved in any change of ownership for reimbursement purposes unless one or both of the operators were a Medicaid contractor. It is therefore preferable to retain "contractor" to be consistent with the scope of chapter 388-96 WAC.

(2) The proposed version of WAC 388-96-010(14) did not delete language specifying that a transfer of some or all of the stock of a corporation does not constitute a change of ownership. Rather, as proposed, it simply specified that a transfer of stock, but less than fifty percent within any twenty-four month period, does not constitute a change of ownership.

In contrast, WAC 248-14-001(10) entirely deletes language that a transfer of stock is not a change of ownership (WSR 93-23-040). For purposes of greater consistency

with WAC 248-14-001(10) and greater internal consistency in WAC 388-96-010(14), the language in subsection (14)(b)(ii) is simply deleted. Partial or whole transfers of stock are adequately covered in WAC 388-96-010 (14)(a)(v). Addressing whole or partial stock transfers in both subsections in terms of whether they constitute a change of ownership simply increases the possibility of conflict when applying the definition in actual case examples.

WAC 388-96-221 (4)(a), the department revised its proposed amendment to clarify how settlements of the nursing services component will be done during the transition years that involve the legislative revision to the Medicaid nursing facility reimbursement system enacted by ESSB 5724.

In their comments on the proposed amendments to WAC 388-96-221, the nursing home industry pointed out the need for such clarification and the department concurred.

WAC 388-96-525(4), the department revised this proposed amendment in response to comments from the nursing home industry that tuition should be an allowable expense outside Idaho, Washington, Oregon, and British Columbia. The revision makes clear the following:

a. Training and education expenses are allowable irrespective of their site.

b. Travel, lodging and meals related to training and education are only allowable within Idaho, Washington, Oregon, and British Columbia.

WAC 388-96-774 (3)(d), in response to industry comments, the department revised this proposed amendment to require two proofs of hire rather than three proofs of hire. Also "W-four" has been changed to W-4, which is the abbreviation by which this form is commonly known.

**Effective Date of Rule:** Thirty-one days after filing.

May 26, 1994

Dewey Brock, Chief  
Office of Vendor Services

**Reviser's note:** The material contained in this filing will appear in the 94-14 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

**WSR 94-12-044  
PERMANENT RULES  
BOARD OF**

**PILOTAGE COMMISSIONERS**

[Filed May 27, 1994, 8:52 a.m., effective July 1, 1994]

**Date of Adoption:** May 12, 1994.

**Purpose:** To amend the pilotage tariff rate for the Puget Sound pilotage district.

**Citation of Existing Rules Affected by this Order:** Amending WAC 296-116-300.

**Statutory Authority for Adoption:** RCW 88.16.035.

Pursuant to notice filed as WSR 94-08-056 on April 1, 1994.

**Changes Other than Editing from Proposed to Adopted Version:** The proponents sought to increase the 1993 tariff by 5.234% in all categories excluding transportation. The adopted version represents an increase of 2.434% less than what was proposed, except the "super ship" category. The

adopted "super ship" rates are 5.234% less than what was proposed. The "delinquent payment" charge remained at 45 days and was not reduced to 30 days as proposed. The "sailing delay" rate was not doubled after the first three hours as proposed. The adopted 1994 Puget Sound pilotage district tariff reflects an increase of 2.8% over the 1993 tariff in all categories except transportation and super ships which remain unchanged. The adopted version also provides a specific duration for the adopted tariff.

Effective Date of Rule: July 1, 1994.

May 26, 1994  
Armand L. Tiberio  
Chair

**AMENDATORY SECTION** (Amending WSR 93-12-133, filed 6/2/93, effective 7/3/93)

**WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 Hours July 1, 1994, through 2400 Hours June 30, 1995.**

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee: Per each boarding/deboarding at the Port Angeles pilot station.	( <del>(\$32.00)</del> ) <u>\$ 33.00</u>
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	Double LOA Zone
Waterway and bridge charges: Ships up to 90' beam: A charge of ( <del>(\$172.00)</del> ) <u>\$177.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma water- ways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ( <del>(\$82.00)</del> ) <u>\$84.00</u> per bridge.	
Ships 90' beam and/or over: A charge of ( <del>(\$232.00)</del> ) <u>\$238.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma water- ways. Any vessel movements required to transit through bridges shall have an additional charge of ( <del>(\$162.00)</del> ) <u>\$167.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Two or three pilots required: In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.	
Compass adjustment	( <del>(\$231.00)</del> ) <u>\$237.00</u>
Radio direction finder calibration	( <del>(\$231.00)</del> ) <u>\$237.00</u>

Launching vessels	( <del>(\$347.00)</del> ) <u>\$357.00</u>
Trial trips, 6 hours or less (Minimum ( <del>(\$654.00)</del> ) <u>\$672.00</u> )	( <del>(\$109.00)</del> ) <u>\$112.00</u> per hr.
Trial trips, over 6 hours (two pilots)	( <del>(\$218.00)</del> ) <u>\$224.00</u> per hr.
Shilshole Bay — Salmon Bay	( <del>(\$135.00)</del> ) <u>\$139.00</u>
Salmon Bay — Lake Union	( <del>(\$106.00)</del> ) <u>\$109.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	( <del>(\$135.00)</del> ) <u>\$139.00</u>
Cancellation charge	LOA Zone I
Cancellation charge — Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	( <del>(\$109.00)</del> ) <u>\$112.00</u> per hr.
Applicable harbor shift rate to apply, plus ( <del>(\$109.00)</del> ) <u>\$112.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ( <del>(\$109.00)</del> ) <u>\$112.00</u> for every hour or fraction thereof.	
Sailing delay:	( <del>(\$109.00)</del> ) <u>\$112.00</u> per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ( <del>(\$109.00)</del> ) <u>\$112.00</u> for every hour or fraction thereof.	
Slowdown:	( <del>(\$109.00)</del> ) <u>\$112.00</u> per hour
When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel main- tained its normal speed capabilities, a charge of ( <del>(\$109.00)</del> ) <u>\$112.00</u> per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.	
Super ships: 20,000 to 50,000 gross tons: Additional charge to LOA zone mileage of \$0.0576 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. 50,000 gross tons and up: In excess of 50,000 gross tons, the charge shall be \$0.0689 per gross ton. For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.	
Delayed arrival-Port Angeles:	( <del>(\$109.00)</del> ) <u>\$112.00</u> per hour
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ( <del>(\$109.00)</del> ) <u>\$112.00</u> for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.	
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.	
Transportation to vessels on Puget Sound:	
March Point or Anacortes	\$144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00

PERMANENT

Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

**LOA rate schedule**

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE					
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
(Up to 449	162	254	441	660	890	1158
450 - 459	167	260	444	669	905	1163
460 - 469	171	263	449	680	918	1167
470 - 479	176	270	455	695	921	1170
480 - 489	181	275	457	708	926	1175
490 - 499	184	278	462	720	937	1181
500 - 509	193	283	471	730	944	1189
510 - 519	196	290	476	739	954	1193
520 - 529	198	300	483	743	962	1204
530 - 539	205	304	489	751	978	1216
540 - 549	208	308	500	760	994	1227
550 - 559	212	318	503	771	1000	1239
560 - 569	220	331	513	778	1012	1252
570 - 579	225	335	517	781	1021	1259
580 - 589	234	341	528	787	1028	1273
590 - 599	245	347	531	791	1043	1287
600 - 609	254	358	538	794	1054	1294
610 - 619	269	361	548	798	1066	1305
620 - 629	279	366	554	806	1078	1320
630 - 639	294	374	560	808	1086	1332
640 - 649	306	381	566	811	1098	1342
650 - 659	327	389	576	818	1111	1355
660 - 669	335	393	581	821	1122	1366
670 - 679	345	403	588	836	1135	1374
680 - 689	351	411	594	845	1145	1388
690 - 699	361	417	603	860	1158	1416
700 - 719	378	431	615	869	1179	1433
720 - 739	401	444	630	881	1204	1457
740 - 759	417	463	643	890	1227	1483

760 - 779	434	481	658	905	1252	1503
780 - 799	455	501	669	918	1273	1529
800 - 819	474	517	683	923	1294	1552
820 - 839	489	534	698	937	1320	1571
840 - 859	511	556	712	947	1342	1598
860 - 879	529	576	726	974	1366	1620
880 - 899	548	593	739	995	1388	1644
900 - 919	564	611	752	1019	1416	1668
920 - 939	582	630	771	1043	1433	1689
940 - 959	603	647	782	1066	1457	1711
960 - 979	618	666	796	1086	1483	1735
980 - 999	640	683	809	1111	1503	1758
1000 & over	658	706	823	1135	1529	1782))
Up to 449	167	261	453	678	915	1190
450 - 459	172	267	456	688	930	1196
460 - 469	176	270	462	699	944	1200
470 - 479	181	278	468	714	947	1203
480 - 489	186	283	470	728	952	1208
490 - 499	189	286	476	740	963	1214
500 - 509	198	291	484	750	970	1222
510 - 519	201	298	489	760	981	1226
520 - 529	204	308	497	764	989	1238
530 - 539	211	313	503	772	1005	1250
540 - 549	214	317	514	781	1022	1261
550 - 559	218	327	517	793	1028	1274
560 - 569	226	340	527	800	1040	1287
570 - 579	231	344	531	803	1050	1294
580 - 589	242	351	543	809	1057	1309
590 - 599	252	357	546	813	1072	1323
600 - 609	261	368	553	816	1084	1330
610 - 619	277	371	563	820	1096	1342
620 - 629	287	376	570	829	1108	1357
630 - 639	302	384	576	831	1116	1369
640 - 649	315	392	582	834	1129	1380
650 - 659	336	400	592	841	1142	1393
660 - 669	343	404	597	844	1153	1404
670 - 679	355	414	604	859	1167	1412
680 - 689	361	423	611	869	1177	1427
690 - 699	371	429	620	884	1190	1456
700 - 719	389	443	632	893	1212	1473
720 - 739	412	456	648	906	1238	1498
740 - 759	429	476	661	915	1261	1525
760 - 779	446	494	676	930	1287	1545
780 - 799	468	515	688	944	1309	1572
800 - 819	487	531	702	949	1330	1595
820 - 839	503	549	718	963	1357	1615
840 - 859	525	572	732	974	1380	1643
860 - 879	544	592	746	1001	1404	1665
880 - 899	563	610	760	1023	1427	1690
900 - 919	580	628	773	1048	1456	1715
920 - 939	598	648	793	1072	1473	1736
940 - 959	620	665	804	1096	1498	1759
960 - 979	635	685	818	1116	1525	1784
980 - 999	658	702	832	1142	1545	1807
1000 & over	676	726	846	1167	1572	1832

PERMANENT

**WSR 94-12-045**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 5044—Filed May 27, 1994, 9:20 a.m.]

Date of Adoption: May 27, 1994.

Purpose: To establish the manner in which the grower pollination service fee is collected and remitted to the Department of Agriculture.

Citation of Existing Rules Affected by this Order: Amending WAC 16-602-027.

Statutory Authority for Adoption: Chapter 15.60 RCW. Pursuant to notice filed as WSR 94-09-052 on April 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: It was the consensus at the public hearing to remove the requirement for apiarists to notify the Department of Agriculture of growers who do not pay the pollination service fee.

Effective Date of Rule: Thirty-one days after filing.  
 May 27, 1994  
 James M. Jesernig  
 Director

**NEW SECTION**

**WAC 16-602-027 Grower pollination service fee, collection, remittance.** (1) As required in RCW 15.60.040, resident and nonresident apiarists who own or operate hives in Washington shall charge growers of pollinated crops a pollination service fee of \$.50 per hive each time a hive of bees is set for the pollination of agricultural crops. The fee shall be shown as a separate line item on the apiarist's invoice to the grower.

(2) The apiarist shall collect the pollination service fee from the grower of agricultural crops upon collection of the pollination fee.

(3) The apiarist shall remit the pollination service fee to the department of agriculture within thirty days of receipt, on forms provided for that purpose.

**WSR 94-12-046**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 5045—Filed May 27, 1994, 9:25 a.m.]

Date of Adoption: May 27, 1994.

Purpose: To increase certain fees and to revise seed certification rules as requested by industry and seed branch.

Citation of Existing Rules Affected by this Order: Amending chapters 16-304, 16-313, and 16-316 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to notice filed as WSR 94-09-046 on April 19, 1994.

Changes Other than Editing from Proposed to Adopted Version: Sugar beets added to list of field crops. Chard added to list of vegetables. Germination fee for spinach and New Zealand spinach corrected to read \$21.00. Soil exam or similar made a separate subsection.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This fee increase is within the fiscal year growth factor for FY 1994.

Effective Date of Rule: Thirty-one days after filing.  
 May 27, 1994  
 James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending WSR 91-21-043, filed 10/11/91, effective 11/11/91)

**WAC 16-304-040 Schedule of charges.** (1) Testing fees shall be as follows:

SAMPLE SIZE	TETRAZOLIUM AND 200			
	PURITY (a)	NOXIOUS ONLY	GERM (b)	GERM Seeds (c) (d)
Bentgrass 2 oz.	\$30.00	\$15.00	\$16.00	\$46.00 \$21.00
Bluegrass 4 oz.	21.00	13.00	14.00	35.00 21.00
Bromegrass 6 oz.	22.00	13.00	11.50	33.50 21.00
Fescue 4 oz.	21.00	13.00	11.50	32.50 21.00
Orchardgrass 4 oz.	24.00	15.00	13.00	37.00 21.00
Ryegrass 4 oz.	21.00	13.00	10.50	31.50 21.00
Crested Wheatgrass 4 oz.	25.00	15.00	14.00	39.00 21.00
Other Wheatgrasses 6 oz.	36.00	22.00	14.00	50.00 21.00
Other grasses 4 oz.	17.00	10.50	10.50	27.50 21.00
Beans and peas 1 1/4 lb.	13.00	7.50	11.50	24.50 21.00
Cereals 1 1/4 lb.	13.50	9.00	11.50	25.00 21.00
Other crops 4 oz.	13.50	9.00	11.50	25.00 21.00
Mixture (for each additional kind)	10.50	13.00	21.00	
Beets	18.00	8.50	17.00	35.00
Rapeseed	32.00	9.00	16.00	48.00 21.00
Carrot	13.50	9.00	11.50	25.00 36.00

(a) Purity analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram bluegrass; five grams alfalfa; and one hundred grams wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams bluegrass; fifty grams alfalfa; five hundred grams wheat).

(b) Germination test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test—a chemical test that measures viability and germination potential. (A germination test should also be obtained.))

FIELD CROPS:	MINIMUM SAMPLE SIZE	PURITY	GERMINATION	TZ
alfalfa	4 oz	14.00	12.00	22.00
alkaligrass	4 oz	18.00	11.00	22.00
barley	1.25 lb	14.00	12.00	22.00
beets, sugar	1.25 lb	19.00	21.00	22.00
bentgrass	2 oz	32.00	17.00	22.00
bermudagrass	4 oz	18.00	11.00	22.00
black medic	4 oz	14.00	12.00	22.00
bluegrass	4 oz	22.00	15.00	22.00
brassica sp.	6 oz	34.00	17.00	22.00
brome-mountain	6 oz	23.00	12.00	22.00
brome-smooth,				
meadow	6 oz	23.00	12.00	22.00
buckwheat	1.25 lb	14.00	12.00	22.00

PERMANENT

canarygrass	8 oz	18.00	11.00	22.00
clover	4 oz	14.00	12.00	22.00
fescue	4 oz	22.00	12.00	22.00
flax-lewis	4 oz	14.00	12.00	22.00
foxtail	4 oz	14.00	11.00	22.00
garbanzo bean	1.25 lb	13.00	12.00	N/A
indian ricegrass	6 oz	18.00	11.00	22.00
junegrass	6 oz	18.00	11.00	22.00
lentil	1.25 lb	14.00	12.00	N/A
little bluestem	4 oz	21.00/hr	11.00	22.00
lupine	1.25 lb	14.00	12.00	N/A
milkvetch	1.25 lb	14.00	12.00	22.00
millet	1.25 lb	14.00	12.00	N/A
needle & thread	6 oz	18.00	11.00	22.00
needlegrass, green	6 oz	18.00	11.00	22.00
oatgrass	6 oz	18.00	11.00	N/A
oats	1.25 lb	14.00	12.00	22.00
orchardgrass	4 oz	25.00	13.00	22.00
peas	1.25 lb	13.00	12.00	N/A
prairie sandreed	6 oz	18.00	11.00	22.00
primrose	4 oz	14.00	12.00	N/A
redtop	2 oz	32.00	17.00	22.00
rice	1.25 lb	14.00	12.00	N/A
rye	1.25 lb	14.00	12.00	22.00
ryegrass, perennial	4 oz	22.00	11.00	22.00
ryegrass, annual	4 oz	22.00	11.00	22.00
safflower	1.25 lb	14.00	12.00	N/A
sainfoin	1.25 lb	14.00	12.00	N/A
sand dropseed	4 oz	18.00	11.00	22.00
sand lovegrass	4 oz	18.00	11.00	22.00
sideoats grama	4 oz	21.00/hr	11.00	22.00
small burnett	8 oz	14.00	12.00	N/A
sorghum	1.25 lb	14.00	12.00	N/A
sudangrass	8 oz	14.00	12.00	22.00
sunflower	1.25 lb	14.00	12.00	N/A
swiss chard	1.25 lb	34.00	18.00	N/A
switchgrass	4 oz	18.00	11.00	22.00
timothy	4 oz	18.00	11.00	22.00
trefoil	4 oz	14.00	12.00	N/A
triticale	1.25 lb	14.00	12.00	22.00
vetch	1.25 lb	18.00	12.00	22.00
wheat	1.25 lb	14.00	12.00	22.00
wheatgrass, beardless				
slender				
thickspike	6 oz	38.00	15.00	22.00
wheatgrass, bluebunch	6 oz	38.00	15.00	22.00
wheatgrass, crested	4 oz	26.00	15.00	22.00
wheatgrass, tall				
intermediate				
pubescent	6 oz	38.00	15.00	22.00
wheatgrass, western	6 oz	38.00	15.00	22.00
wildrye	6 oz	18.00	11.00	22.00
zoysia	4 oz	18.00	11.00	22.00

VEGETABLES:

asparagus	1.25 lb	14.00	12.00	N/A
beans	1.25 lb	13.00	12.00	N/A
beets	1.25 lb	19.00	18.00	N/A
cantaloupe	1.25 lb	14.00	12.00	N/A
carrot	4 oz	14.00	12.00	38.00
celery	4 oz	14.00	12.00	N/A
chard	4 oz	14.00	21.00	21.00
corn	1.25 lb	14.00	12.00	N/A
cucumber	1.25 lb	14.00	12.00	N/A

dill	4 oz	14.00	12.00	N/A
eggplant	4 oz	14.00	12.00	N/A
endive	4 oz	14.00	12.00	N/A
leek	8 oz	14.00	12.00	N/A
lettuce	4 oz	14.00	12.00	N/A
okra	4 oz	14.00	12.00	N/A
onion	8 oz	14.00	12.00	N/A
parsley	4 oz	14.00	12.00	N/A
parsnip	4 oz	14.00	12.00	N/A
pepper	8 oz	14.00	12.00	N/A
pumpkin	1.25 lb	14.00	12.00	N/A
radish	1.00 lb	14.00	12.00	N/A
spinach				
New Zealand	8 oz	14.00	21.00	N/A
spinach	8 oz	14.00	21.00	N/A
squash	1.25 lb	14.00	12.00	N/A
tomato	4 oz	14.00	12.00	N/A
turnip	6 oz	14.00	12.00	22.00
watermelon	1.25 lb	14.00	12.00	N/A

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and(~~/or~~) weed exam . . . . . ((Noxious only fee plus \$ 3.50))  
Purity fee minus \$5.00

(or hourly rate when applicable, hourly rate applies when a larger amount is requested)

((Required crop exam)) Crop and weed exam is required for all foundation and registered class grass seeds.)  
All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams . . . . . (((\$16.00))  
\$17.00

Poa annua check for other grasses - each 10 grams . . . . . (((\$16.00))  
\$17.00

(c) Sod seed analysis -  
Bluegrass . . . . . (((\$56.00))  
\$60.00  
Fescue . . . . . (((\$40.00))  
\$42.00  
Ryegrass . . . . . (((\$32.00))  
\$34.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)  
Bluegrass test includes purity, twenty-five gram ((all weed/all)) crop((, except)) and weed exam, and ten gram Poa annua ((exam)) check. Ryegrass and Fescue test includes purity((?) and fifty gram ((all weed/all)) crop and weed exam. (Fluorescence required on ryegrass; germ and fluorescence test additional fee.)

(d) Fluorescence test - (four hundred seed test) \$13.00

(e) Pest and disease(~~, soil exam or similar)) . . . . . (((\$16.00))  
\$17.00~~

(f) Soil exam or similar . . . . . \$17.00  
(Reported on seed analysis certificate.) A visual examination of a representative sample.

((?) (g) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) . . . . . (((\$18.00))  
\$19.00

((?) (h) Variety separation of Kentucky bluegrass . . . . . (((\$18.00))  
\$19.00

PERMANENT

PERMANENT

If separated at time of purity analysis . . . . . \$ 9.00  
 ((h)) (i) Sodium hydroxide test for presence of red  
 and/or white wheat . . . . . \$10.00  
 ((i)) (j) Brassica seed chemical identification  
 test . . . . . \$10.00  
 ((j)) (k) Analysis of partially cleaned, uncleaned or  
 field run seed with excessive inert, other crop or weed  
 seeds (per hour) . . . . . ~~(\$20.00)~~  
 \$21.00

((k)) (l) Fescue seed fluorescence test - a test  
 required to determine presence of other fine fescue species  
 in hard fescue and sheep fescue (~~which is~~) - required on  
 certified samples . . . . . ~~(\$14.00)~~  
 \$15.00

((3)) m Inventory testing for germination: A service  
 to provide opportunity to have carry-over seed stocks except  
 mixtures tested at lowest possible charge. Not an official  
 germination test.

((a)) \* Reports may not be mailed until all tests are  
 completed.

((b)) \* Samples shall be plainly labeled "inventory  
 samples."

((c)) \* Samples shall be reported according to the  
 sender's designation. The laboratory shall assume no  
 responsibility for correct identification. These samples and  
 tests shall not become a part of our permanent record.

((d)) \* The fee for this service shall be one-half the  
 regular germination fee.

((e)) \* Inventory testing for germination will be run as  
 germination space is available, with the understanding that  
 regular service samples have priority.

((4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested  
 at time sample is submitted) . . . . . \$12.00

(b) Phone reports on test result, per call . . . . . \$ 3.50

(c) Preliminary report on germination  
 (phone report only) . . . . . \$ 8.00

(d) Morphological test . . . . . \$ 8.00  
 (alfalfa or clover examined under magnification for combine  
 damage.)

(e) Additional mailing of report  
 (each destination) . . . . . \$ 1.50

(f) Recopies of reports (minimum fee) . . . . . \$ 2.50

Revised reports (minimum fee) . . . . . \$ 5.00  
 (or hourly fee when applicable)

(g))  
 (n) Cold (vigor) test for wheat . . . . . \$50.00

(o) I.S.T.A. rules test	PURITY	GERMINATION
Alfalfa, clover	<del>(\$20.00)</del>	<del>\$14.00)</del>
	\$21.00	\$15.00
Kentucky bluegrass	<del>(\$30.00)</del>	<del>\$14.00)</del>
	\$32.00	\$15.00
Peas, lentils	<del>(\$20.00)</del>	<del>\$14.00)</del>
	\$21.00	\$15.00

((h))	(p) Canadian rules test	PURITY	GERMINATION
	Alfalfa, clover	<del>(\$20.00)</del>	<del>\$11.50)</del>
		\$21.00	\$12.00
	Kentucky bluegrass	<del>(\$30.00)</del>	<del>\$14.00)</del>
		\$32.00	\$15.00
	Peas, lentils	<del>(\$20.00)</del>	<del>\$11.50)</del>
		\$21.00	\$12.00
	Bentgrass	<del>(\$44.00)</del>	<del>\$16.00)</del>
		\$47.00	\$17.00

((i)) (q) Seed count . . . . . ~~(\$16.00)~~  
 \$17.00

((j)) (r) Extra charge for samples requiring special  
 preparation for germination, i.e., (~~New Zealand spinach,~~)  
 pelleted seeds, (~~spinach, chard,~~) etc. . . . . ~~(\$20.00)~~  
 \$21.00

((k)) (s) Hourly fee for miscellaneous  
 services . . . . . ~~(\$20.00)~~  
 \$21.00

~~((l) Service charge for submitted federal  
 phytosanitary certificates, per certificate . . . . . \$ 5.00~~

~~((m)) (t) All states noxious weed examination \$10.00~~

~~((n) Fee for special handling service (i.e., Federal  
 Express, Air Parcel Post, or air freight) for documents or  
 seed samples . . . . . \$ 3.50~~

~~((o) Fee for facsimile transmission of documents, per  
 document . . . . . \$ 3.50~~

~~((p)) (u) Undesirable grass species examination  
 (UGS test) . . . . . \$12.00~~

AMENDATORY SECTION (Amending WSR 91-21-043,  
 filed 10/11/91, effective 11/11/91)

**WAC 16-304-050 Miscellaneous charges.**

(1) ~~((Sanitary))~~ Phytosanitary certificate,  
 each . . . . . ~~(\$20.00)~~  
 \$21.00

Service charge for submitted federal phytosanitary  
 certificates, per certificate . . . . . \$ 5.00

(2) Rush samples (including phone or FAX report if  
 requested at time sample is submitted) . . . . . \$12.00

(3) Phone reports on test result, per call . . . . . \$ 3.50

(4) Preliminary report on germination  
 (phone report only) . . . . . \$ 8.00

(5) Additional mailing of report (each destination)  
 . . . . . \$ 1.50

(6) Recopies of reports (minimum fee) . . . . . \$ 2.50

(7) Revised reports (minimum fee) . . . . . \$ 5.00  
 (or hourly fee when applicable)

(8) Fee for special handling service (i.e., Federal  
 Express, Air Parcel Post, or air freight) for docu-  
 ments or seed samples . . . . . \$ 3.50

(9) Fee for facsimile transmission of documents, per  
 document . . . . . \$ 3.50

~~((2) Service))~~  
 (10) Official sampling or similar service: The fee  
 for each service requested shall be:

(a) Peas, beans, small grains or seeds of  
 similar size per cwt . . . . . \$ 0.05

(b) For all other kinds - per cwt . . . . . \$ 0.15

(c) Minimum charge . . . . . ~~(\$20.00)~~  
 \$21.00



~~((3)) Tagging and sealing or similar service: The fee for each service requested shall be:~~

- ~~(a) For all kinds of seed per cwt . . . . . \$ 0.15~~
- ~~(b) Minimum fee . . . . . \$20.00~~
- ~~(4) Checkweighing, checkloading, or similar service shall be per hour . . . . . \$20.00~~
- ~~Minimum fee . . . . . \$20.00~~

~~(5)) (d) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of ((16.00)) \$17.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of ((20.00)) \$21.00 per man hour.~~

~~((6)) (11) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of ((20.00)) \$21.00 per hour plus mileage and travel time.~~

~~((7)) (12) Requests for services not listed - most appropriate fee.~~

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-304-110 Annual seed inspection charge.**

Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: *Provided*, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund shall be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ~~((1991)) 1993~~, through June 30, ~~((1992)) 1994~~, shall be payable by February 1, ~~((1993)) 1995~~. The assessment fees for the period beginning July 1, ~~((1992)) 1994~~, through June 30, ~~((1993)) 1995~~, shall be payable by February 1, ~~((1994)) 1996~~.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-304-130 Seed inspection assessment—**

**Effective dates.** This rule is effective through June 30, ~~((1994)) 1996~~. Between January 1, ~~((1994)) 1996~~, and March 1, ~~((1994)) 1996~~, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.05 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

AMENDATORY SECTION (Amending Order 1615, filed 4/30/79)

**WAC 16-313-015 Field run and remill blends. (1)**

Upon approval, field run lots may be commingled to facilitate ~~((processing)) conditioning~~. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet shall be filed prior to blending and laboratory analysis completed before tags can be issued.

AMENDATORY SECTION (Amending Order 1246, filed 4/13/72, effective 5/14/72)

**WAC 16-313-035 Size of blend.** Size of blend permitted shall be dependent on such factors as quality of lots being used and the facilities of the ~~((processing)) conditioning plant ((with the maximum size allowable based on ear lot rate structure))~~.

AMENDATORY SECTION (Amending Order 1649, filed 8/31/79)

**WAC 16-316-0901 Standards for verification of turf seed ingredients.**

(1) The general rules for seed certification are basic and together with the following specific regulations constitute the rules for certification identity of mixtures of different kinds of certified seed.

(2) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

- (3) Each lot of certified seed shall:
  - (a) Meet standards acceptable to the certifying agency.
  - (b) Be sampled under supervision of the certifying agency prior to ~~((blending)) mixing~~. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:
    - (i) The verification of certification, origin, and certifying agency;
    - (ii) The kind/variety;
    - (iii) The analysis and size of lot.
- (4) The certifying agency reserves the right to:
  - (a) Refuse permission to use individual lots;

PERMANENT

(b) Approve the equipment to be used and procedure to follow in ((blending)) mixing;

(c) Approve the containers and labeling to be used;

(d) Sample the final ((blend)) mixture.

(5) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(6) For a mixture to be labeled sod quality each component shall meet sod quality standards.

(7) Fees for turf seed ((blending)) mixing shall be ((30¢ per 100 pounds based on the pounds of seed packaged, and 2¢ for each label used)) the same as the current blend fee.

AMENDATORY SECTION (Amending Order 1452, filed 5/13/76)

**WAC 16-316-105 By whom certified.** (1) Seed certification in the state of Washington is conducted by the Washington state department of agriculture in cooperation with the Washington State Crop Improvement Association, Inc.; Institute of Agricultural Sciences, Washington State University; and Association of Official Seed Certifying Agencies.

(2) Designation of the Washington State Crop Improvement Association, Inc. to assist in the certification of certain agricultural seeds was initiated in 1953. A revised memorandum of agreement between the Washington state department of agriculture and the Washington State Crop Improvement Association, Inc. designates the Washington State Crop Improvement Association, Inc., to act as the director's duly authorized agent for the purpose of certifying seed of buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees.

(3) Certification of seeds other than buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees shall be conducted by the seed branch, state department of agriculture, Yakima.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

**WAC 16-316-230 Alfalfa seed certification fees.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower . . . . . \$15.00

(b) Late seedling penalty fee: . . . . . \$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling producing fee: (per acre) . . . . . \$ 1.75 (Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower . . . . . \$15.00

(b) Renewal acreage fee: (per acre) . . . . . \$ 1.75

(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: . . . . . \$30.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) . . . . . \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: . . . . . \$ 0.50

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Seed shipped out-of-state for conditioning per cwt. (unclean weight): . . . . . \$ 0.19

(6) Purity and germination test: . . . . . Fees as established by the director of agriculture.

~~((6))~~ (7) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

~~((7))~~ (8) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-350 Grass seed certification fees—Seedling applications.**

(1) All applications and fees for seedlings shall be due within sixty days of planting: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee:

(a) Seedling application fee:

Per variety, per field . . . . . \$15.00

(b) Late seedling penalty fee: (per kind) . . . . \$30.00

This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee:

Per field, per grower . . . . . \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: *Provided*, That such application may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:

Per variety, per grower . . . . . \$15.00

(b) Late renewal penalty fee: (per variety) . . \$30.00

This additional fee shall be charged for renewal applications received after May 1.

(c) Inspection fee per field . . . . . \$30.00

(3) Annual grasses inspection fee: (per acre) . . \$ 1.75

Applications are due within sixty days after planting.

(4) Reinspection: Other than isolation (each field) . . . . . \$40.00

PERMANENT

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Final certification fee . . . . . \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Seed shipped out-of-state for conditioning per one hundred pounds (unclean weight) . . . . . \$ 0.30

(iii) Service fee for out-of-state origin . . . . . \$ 0.30 per one hundred pounds.

~~((iii))~~ (iv) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

~~((iv))~~ (v) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Final certification fee . . . . . \$ 1.10 per one hundred pounds. (Minimum fee per tagging) . . . . . \$10.00

(ii) Service fee for out-of-state origin . . . . . \$ 0.65 per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend . . . . . \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend . . . . . \$ 0.60 per one hundred pounds: *Provided*, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

**WAC 16-316-440 Red clover seed certification fees.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:  
Per variety, per grower . . . . . \$15.00

(b) Late seedling penalty fee: . . . . . \$30.00  
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling producing fee: (per acre) . . . . . \$ 1.75 (Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:  
Per variety, per grower . . . . . \$15.00

(b) Renewal acreage fee: (per acre) . . . . . \$ 1.75 (Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: . . . . . \$30.00  
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) . . . . . \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt.: . . . . . \$ 0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Seed shipped out-of-state for conditioning per cwt. (unclean weight): . . . . . \$0.19

~~((6))~~ (6) Purity and germination test: . . . . . Fees as established by the director of agriculture.

~~((6))~~ (7) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

~~((7))~~ (8) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

**AMENDATORY SECTION** (Amending Order 5019, filed 11/23/93, effective 12/24/93)

**WAC 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees.** (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

- (a) Buckwheat - June 1
- (b) Field pea - June 1
- (c) Chickpea - June 1
- (d) Lentil - June 1
- (e) Millet - June 1
- (f) Soybean - July 1
- (g) Sorghum - July 15
- (h) Small grains - June 1 for both winter varieties and spring varieties.

(i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower ~~(\$15.00)~~  
\$16.00
- (b) Field inspection fee per acre  
except millet and hybrid sorghum ~~(\$2.10)~~  
\$ 2.25
- (c) Millet - first acre \$25.00  
- each additional acre \$ 5.00

- (d) Hybrid sorghum - first acre \$25.00  
- each additional acre \$10.00
- (e) Special field inspection fee per acre \$ 2.00
- (f) Late application fee \$15.00
- (g) Reinspection fee \$30.00  
minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.

(h) Final certification fee ~~(\$0.19)~~  
\$ 0.20

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

(i) Sampling fee \$ 0.10 per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

**AMENDATORY SECTION** (Amending Order 5019, filed 11/23/93, effective 12/24/93)

**WAC 16-316-717 Field pea standards.** (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None found	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

\*\* Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed field pea seedcrop, the planting of small grain between field pea fields, except for three feet of isolation, is recommended.

\* Also required is minimum number of years the following crop kinds were out of production.

	NUMBER OF YEARS MINIMUM
Foundation	10
Registered	10
Certified	10

\*\*\* No Austrian pea or rye is permitted.

(2) Field pea - seed standards:

PERMANENT

CLASS	OFF-TYPE MAXIMUM ((SEEDS/LB)) %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM ((SEEDS/LB)) %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85
Registered	None found	99.00	1.00	None found	0.25**	85
Certified	((+)) <u>0.03</u>	99.00	1.00	((3)) <u>0.10*</u>	0.25**	85

\* No Austrian pea or rye is permitted.

\*\* Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

**AMENDATORY SECTION** (Amending Order 5019, filed 11/23/93, effective 12/24/93)

**WAC 16-316-727 Chickpea standards.** (1) Chickpea - land, isolation, and field standards:

CLASS	LAND MINIMUM YEARS***	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE	ASCOCHYTA BLIGHT
Foundation	3	100*	None found	None found**	None found
Registered	3	100*	10	10**	None found
Certified	1	25*	20	20**	None found

\* Reduce to three feet isolation from fields producing a class of certified seed of the same variety. In addition, field must be isolated from small grain fields by three feet. To prevent mechanical mixing of swathed chickpea seedcrops, the planting of small grains between fields, except for three feet isolation, is recommended.

\*\* Refers to vetch except that no Austrian pea or rye is permitted

\*\*\* Field must not have grown Austrian pea for ten years.

(2) Chickpea - seed standards:

CLASS	OFF-TYPE MAXIMUM ((SEEDS/LB)) %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM ((SEEDS/LB)) %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85.00
Registered	None found	99.00	1.00	None found	0.25**	85.00
Certified	((+)) <u>0.03</u>	99.00	1.00	((3)) <u>0.10*</u>	0.25**	85.00

\* No vetch, Austrian pea or rye is permitted.

\*\* Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

**WAC 16-316-800 Grass varieties eligible.** (1)

Following are the grass varieties eligible and the certifying scheme for each:

- |  |   |
|--|---|
| Bentgrass:<br>(subject to poa annua<br>quarantine) | Seaside Creeping***<br>Putter Creeping*<br>Emerald Creeping**<br>Carmen Creeping*<br>Cobra Creeping**<br>Tracenta Colonial* |
|--|---|

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

Big Bluegrass:  
Canada Bluegrass:  
(subject to poa annua  
quarantine)

Canby Bluegrass:

Kentucky Bluegrass:  
(subject to poa annua  
quarantine)

Sherman\*\*  
Reubens\*\*  
Canbar\*\*  
A-34 (Bensun)\*\*  
Abbey\*\*  
Able 1\*\*  
Adelphi\*\*  
Alene\*  
Alpine\*  
Amason\* (Amazon\*)  
America\*  
Ampellia\*  
Apex\*pvvV  
Argyle\*\*  
Aspen\*  
Asset\*\*  
Banff\*\*  
Barblue\*pvvV  
Baron\*\*  
Birka\*  
Bono (Birdie)\*  
Bronco\*  
Chateau\*\*  
Cheri (Golf)\*  
Classic\*\*  
Cocktail\*\*  
Coventry\*\*  
Cynthia\*  
Destiny\*  
Dawn\*  
Eclipse\*  
Enmundi\*pvvV  
Estate\*  
Freedom\*  
Fylking\*\*  
Georgetown\*\*  
Geronimo\*  
Glade\*\*  
Gnome\*  
Greenley\*  
Haga\*  
Harmony\*  
Holiday\*  
Huntsville\*  
Ikone\*\*  
Julia\*  
Kelly\*  
Kenblue\*  
Kyosti\*  
Leikra\*  
Liberty\*\*  
Limosine\*  
Majestic\*\*  
Marquis\*\*  
Merion\*\*  
Minstrel\*\*  
Monopoly\*  
Mystic\*  
Nassau\*\*  
Newport\*\*  
Nugget\*  
Nustar\*  
Nutop\*  
Parade\*  
Park\*\*  
Paso\*  
Pennstar\*  
Plush\*  
(Princeton-104\*)  
P-104\*  
Ram 1\*pvvV  
Ronde\*

Rough Bluegrass:

Meadow Brome:

Mountain Brome:

Smooth Brome:

Fescue:

(subject to poa annua  
quarantine - except tall  
and meadow fescue)

Rugby\*  
Scenic\*  
Suffolk\*  
Summit\*  
Sving\*  
Sydsport\*  
S-21\*\*  
Tendos\*  
Touchdown\*\*  
Trenton\*  
Troy\*\*  
Wabash\*  
Washington\*  
Welcome\*  
1757\*

Colt\*

Polder\*\*

Regar\*\*

Bromar\*\*

Baylor\*

Beacon\*

Bravo\*

Cottonwood\*

Jubilee\*

Manchar\*\*

Rebound\*

Saratoga\*

York\*

((Countess Chewings\*\*pvvV

Amigo Tall\*

Arid Tall\*

Atlanta Chewings\*

Avanti Tall\*\*

Barcel Tall\*\*pvvV

Barfalla Chewings\*\*

Baruba Chewings\*

Dover Chewings\*

Durar Hard\*\*

Finelawn 1 Tall\*\*

Joseph Idaho\*\*

Mary Chewings\*

Nezpurs Idaho\*pvvV

Logro Red\*\*pvvV

Chesapeake Tall\*

Manade Tall\*

Mesa Tall

MX-86 Sheep\*

Rebel Tall\*

5-DM Tall\*

88001 Red\*\*

Safe Tall\*

Southern Cross Tall\*

Covar Sheep\*\*

Fawn Tall\*

Beaumont Meadow\*

First Meadow\*\*

Forager Tall\*

Wrangler Tall\*

Biljart Hard\*

Montauk Tall\*\*

Silvana Hard\*pvvV

Adventure Tall\*\*)

Atlanta Chewings\*

Barfalla Chewings\*\*

Baruba Chewings\*

Countess Chewings\*\*pvvV

Dover Chewings\*

Mary Chewings\*

Biljart Hard\*

Durar Hard\*\*

Scaldis Hard\*pvvV

Silvana Hard\*pvvV

Waldina Hard\*

Joseph Idaho\*\*  
Nezpurs Idaho\*pvpV  
Beaumont Meadow\*  
First Meadow\*\*  
88001 Red\*\*  
Logro Red\*\*pvpV  
Hector Red\*  
Covar Sheep\*  
MX-86 Sheep\*  
5 DM Tall\*  
Adventure Tall\*\*  
Amigo Tall\*  
Arid Tall\*  
Avanti Tall\*\*  
Barcel Tall\*\*pvpV  
Chesapeake Tall\*  
Fawn Tall\*  
Finelawn 1 Tall\*\*  
Forager Tall\*  
Manade Tall\*  
Mesa Tall\*\*  
Montauk Tall\*\*  
Rebel Tall\*  
Rebel Jr Tall\*\*  
Safe Tall\*  
Southern Cross Tall\*  
Vegas Tall\*\*

Sodar Streambank\*\*  
 Critana Thickspike\*\*  
 Alkar Tall\*\*  
 Magnar\*\*  
 Bozoisky Select\*\*

Basin Wild Rye:  
 Russian Wild Rye:

(2) Variety restrictions.

NO. OF SEED HARVESTS  
 Foundation Registered Certified

(a) Kentucky Bluegrass:			
Asset	5	5	5
Baron	5		5
Birka	2 + 3 Cert.		5
Cocktail	5	5	5
Enmundi	4		5
Georgetown	5		5
Geronimo	6		6
Kenblue	5		7
Majestic	3 + 5 Cert.		5
Minstrel	5	5	5
Parade	5		5
Ram-I	2		6
Rugby	3 + 2 Cert.		5
Sydsport			5
Touchdown	2 + 5 Cert.		5
(b) Orchardgrass:			
Pennlate	3		6

AMENDATORY SECTION (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-820 Alfalfa varieties eligible.** (1)

Following are the alfalfa varieties eligible and the certification scheme for each:

Agate\*  
 Anchor\*  
 Anstar\*  
 Answer\*  
 Aquarius\*  
 Apollo II\*  
 Armor\*  
 Armona\*  
 Arrow\*  
 Atlas\*  
 Atra-55\*  
 Baker\*pvpV  
 Big Ten\*  
 Blazer\*  
 Break-Thru\*\*  
 Centurion\*  
 ((Challenger\*))  
 Chief\*\*  
 Cimarron\*  
 Cimarron VR\*  
 Class\*  
 Classic\*  
 Commandor\*  
 Crown\*  
 Crown II\*  
 Crusader\*\*  
 DK-125\*  
 DK-133\*  
 DK-135\*  
 ((Drummer\*))  
 Elevation\*

Orchardgrass:

Hay King\*  
 Latar\*\*  
 Natsumidori  
 Paiute\*\*  
 Pennlate\*  
 Potomac\*

Redtop:

Streaker\*

Indian Ricegrass:

Nezpar\*\*

Perennial Ryegrass:  
 (subject to poa annual quarantine)

Advent\*  
 All\*Star\*\*  
 Dandy\*  
 Delray\*  
 Friend\*\*pvpV  
 Goalie\*  
 NK 200\*\*  
 Pennfine\*  
 Ranger\*\*  
 Target\*  
 89001\*

Puccinellia distans:

Fulfs\*

Timothy:

Clair\*  
 Climax\*  
 Hokuo\*  
 Hokusen\*  
 Kempus\*  
 Kunpu\*  
 Nosappu\*  
 Promesse\*  
 Senpoku\*

Wheatgrass:

Whitmar Beardless\*\*  
 Secar Bluebunch\*\*  
 Fairway Crested\*  
 Ruff Crested\*  
 Nordan Crested\*\*  
 Ephraim Crested\*\*  
 Greenar  
 Intermediate\*\*  
 Oahe Intermediate\*  
 Tegmar Intermediate\*  
 Greenleaf Pubescent\*  
 Luna Pubescent\*\*  
 Topar Pubescent\*\*  
 P-27 Siberian\*\*

PERMANENT

PERMANENT

Empress\*\*  
 Endure\*  
 Excalibur\*  
 ((~~Gladiator\*~~))  
 Fortress\*  
 G-2815\*  
 G-7730\*  
 GH-737\*\*  
 Hi-Phy\*  
 Honeoye\*pvvV  
 Incentive\*  
 Iroquois\*  
 Julius\*  
 Legend\*  
 Madera\*  
 Magnum III\*  
 Maricopa\*  
 Mecca\*  
 Mesilla\*\*  
 Mohawk\*  
 Multiking 1\*  
 Oneida\*pvvV  
 Oneida VR\*  
 Peak\*  
 Perry\*  
 ((~~Phytor\*~~))  
 Polar II\*  
 Preserve\*  
 Primal\*\*))  
 Promise\*\*  
 Quest\*\*  
 Ranger\*\*  
 Resistar\*  
 Riley\*  
 Royalty\*\*  
 Saranac\*  
 Saranac AR\*pvvV  
 Shenandoah\*  
 Shield\*  
 Sparta\*  
 Spredor 2\*  
 Summit\*  
 Sure\*  
 Sutter\*  
 Sverre\*  
 SX-217\*  
 SX-418\*  
 Thrive\*\*  
 ((~~Trumpetor\*~~))  
 Turbo\*  
 Ultra\*  
 Vernal\*  
 Vancor\*  
 Vernema\*  
 Viking 1\*  
 Vista\*  
 VS-888\*  
 WAMPR\*  
 Weevlchek\*  
 WL-317\*\*  
 WL-320\*\*pvvV  
 WL-322 HQ\*\*

WL Southern Special\*  
 Wrangler\*  
 Yolo\*  
 88\*  
 120\*  
 123\*  
 130\*  
 521\*  
 520\*  
 526\*  
 530\*  
 531\*  
 532\*  
 581\*  
 5262\*  
 5432\*  
 5373\*  
 5444\*  
 624\*  
 629\*  
 5311\*  
 5331\*  
 5333\*  
 5364\*  
 5472\*  
 98\*  
 G-2841\*  
 Verta\*  
 G-2852\*  
 GH 747\*  
 G-2833\*  
 DK-122\*  
 Bronco\*  
 2890\*  
 Precedent\*  
 Zenith\*  
 VS-775\*  
 Express\*  
 Kitawakaba\*  
 Tachiwakaba\*  
 Vertus\*

(2) Variety restrictions.

	Breeder	NO. OF SEED HARVESTS		Certified
		Foundation	Registered	
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Break-Thru		3	3	5
Challenger	2	3		5
Chief		3	3	5
Crusader		3	3	5
Drummor	2	3		5
Empress		3	3	5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Promise		3	3	5
Polar II	2	3		5
Quest		3	3	5



Resistar	2	3	6
Royalty		3	5
Saranac		3	6
Saranac AR		3	6
Spredor 2	2	3	5
Thrive		3	5
Trumpetor	2	3	5
Vancor	2	3	5
Vernema		4	6
WAMPR	2	3	6
WL-317		3	5
WL-322HQ		3	5
WL Southern Special			1
WL-320		3	5
Wrangler			6
120		3	
123		2	4
130		3	5
526		3	5

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-830 Bean varieties eligible.** Following are the bean varieties eligible and the certification scheme for each:

- Red Mexican: NW-59\*\* NW-63\*\* Rufus\*\*  
U of I 42\*\*
- Pinto: Holberg\*\* Fiesta\*\*pvpV NW-410\*\* NW-590\*\*  
Nodak\*\* Olathe\*\*pvpV Pindak\*\* U of  
I 114\*\* Othello\*\*
- Pink: Gloria\*\* Harold\*\* Roza\*\*UI-537\*\*  
Victor\*\* Viva\*\*
- Small White: Chief\*\* Bonus\*\* Aurora\*\*
- Kidney: Royal Red\*\*,  
Montcalm-Dark Red\*\*,  
Isabella-Light Red\*, Kardinal\*\*,  
Kamiken\*\*
- Snap Bean: Epoch\*\*pvpV
- Navy: Bunsii\*\*, C-20\*\*, Hyden\*\*, Laker\*\*, Norstar\*\*, NW  
395\*\*, Seafarer\*,  
Duty (Pulsar)\*\*
- Great Northern: Emerson\*\*, Harris\*\*
- Black Turtle: Black Turtle Soup\*\* #39\*\*  
Black Beauty\*\* Ebony\*\*pvpV, U of I 906\*\*

**WSR 94-12-049**  
**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 144—Filed May 27, 1994, 10:40 a.m.]

Date of Adoption: May 27, 1994.

Purpose: To adopt amendments to the Highway Advertising Control Act, chapter 468-66 WAC. To repeal one section of this WAC and to add a new section WAC 468-66-055.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-66-175; and amending WAC 468-66-010, 468-66-050, 468-66-060, 468-66-080, and 468-66-130.

Statutory Authority for Adoption: Chapter 47.42 RCW. Other Authority: RCW 47.01.101(5).

Pursuant to notice filed as WSR 94-09-031 on April 15, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1994

S. A. Moon

Deputy Secretary

**AMENDATORY SECTION** (Amending Order 130, filed 4/10/92, effective 5/11/92)

**WAC 468-66-010 Definitions.** The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may

PERMANENT

leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be reerected in kind if destroyed due to vandalism, and other criminal or tortious acts.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is (~~or does become~~) part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway, state scenic byway, or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in ((section 2, chapter 62, Laws of 1971 ex- sess)) RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products.

(25) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(26) "State scenic byway" means any scenic and recreational highway established by chapter 47.39 RCW.

(27) "Visible development" means those areas determined by the department to have development, both in type and location, that meet the requirements for unzoned commercial and industrial areas prescribed by RCW 47.42.020(9) and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features, located within the state highway right of way, that may act as visual obstructions.

AMENDATORY SECTION (Amending Order 116, filed 10/20/88)

**WAC 468-66-050 Classification of signs.** Signs shall be classified as follows:

(1) Type 1—Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which advertises the sale or lease only of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease or the owner's agent shall not be

displayed more conspicuously than the words "for sale" or "for lease." Not more than one such sign advertising the sale or lease of a parcel of property shall be permitted in such manner as to be visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign.

(a) A sign advertising an activity conducted on the property on which the sign is located. The sign, except as provided under (b) of this subsection, shall be limited to identifying the establishment or the principal or accessory products or services offered on the property. A sign consisting principally of a brand name, trade name, product, or service incidental to the principal products or services offered on the property, or bringing rental income to the property owner, is not considered an on-premise sign. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(b) Temporary political campaign signs are a Type 3 on-premise sign, on which the property owner expresses endorsement of a political candidate or ballot issue, with the following restrictions:

(i) Temporary political campaign signs are limited to a maximum size of thirty-two square feet in area.

(ii) Temporary political campaign signs must be removed within ten days after the election.

(iii) Except as provided in (b)(i) and (ii) of this subsection, temporary political campaign signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC that pertain to Type 3 on-premise signs.

(c) Signs reading "future site of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

~~((a))~~ (i) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

~~((b))~~ (ii) The sign shall not inform of activities conducted elsewhere.

~~((c))~~ (iii) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures, or natural surfaces, of historic or artistic significance the

preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Type 7—Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed with the upper 4 feet of the sides perpendicular to the roadway being occupied by the sign. The remainder is to be constructed of a see through nature. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47.42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

(8) Type 8—Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise (Type 3) sign;

(c) Signs shall not be placed within an incorporated city or town, but may be placed in unzoned areas and areas zoned for agricultural, commercial, and industrial activities;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections, or restrict the visibility of other authorized signs;

(f) The minimum spacing between sign structures shall be three hundred feet. For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure (spacing is independent of off-premise (Type 4 and Type 5) signs).

#### NEW SECTION

**WAC 468-66-055 National scenic byway demonstration project.** Pursuant to the 1991 Intermodal Surface Transportation Efficiency Act, for the purpose of outdoor advertising control effective July 25, 1993, a National Scenic Byway Demonstration project is established on State Route 101, from the Astoria/Megler Bridge to Fowler Street in

Raymond and from the junction with State Route 109 near Queets to the junction with State Route 5 near Olympia, with the following restrictions:

(1) No Type 4 or Type 5 signs may be permitted within the limits of this project, except that existing permitted Type 4 or type 5 signs may be maintained.

(2) Signs of Types 1, 2, 3, 7, and 8 may be erected to the extent and manner provided by WAC 468-66-050.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

**WAC 468-66-060 Signs along scenic, primary, and interstate systems.** Signs of Types 4 and 5 shall not be erected or maintained within view of the main-traveled way of the scenic or primary system((-)), except that signs visible from the main-traveled way of the primary system within commercial and industrial areas shall be permitted as provided in WAC 468-66-110. Only signs of Types 1, 2, 3, 4 and 5 shall be erected or maintained within view of the main-traveled way of the interstate system to the extent and in the manner permitted by WAC 468-66-080, 468-66-090, and 468-66-100: *Provided*, That after May 10, 1974, no Type 4 or Type 5 signs shall be maintained within view of the main-traveled way of the interstate system outside of commercial and industrial areas. Signs of Types 7 and 8 may be erected or maintained within view of the primary and scenic highway systems to the extent and manner permitted by WAC 468-66-050.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-66-080 Number of signs and spacing requirements along interstate system.** No Type 4 or Type 5 signs which are visible from the main-traveled way of the interstate system shall be erected or maintained in any manner inconsistent with the following:

(1) In advance of an intersection of the main-traveled way of the interstate highway and an exit roadway, such signs visible to interstate system traffic approaching such intersection may not be permitted to exceed the following number:

Distance from . . . . .	Number
intersection . . . . .	of signs
0-2 miles . . . . .	0
2-5 miles . . . . .	6
More than . . . . .	Average of one
5 miles . . . . .	sign per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the interstate highway.

(2) Subject to the other provisions of this section, not more than two such signs may be permitted within any mile distance measured from any point, and no such signs may be permitted to be less than one thousand feet apart.

(3) Such signs may not be permitted adjacent to any interstate highway right of way upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to interstate highway traffic which is approaching or has passed an entrance roadway may not be permitted for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the interstate highway.

(5) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

(6) Subject to the other provisions of this section, such signs are allowed only in commercial or industrial zones within the boundaries of incorporated municipalities, as those boundaries existed on September 21, 1959, and all other commercial or industrial areas established on or before September 21, 1959.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-66-130 Signs to be removed.** No sign visible from the main-traveled way of the interstate system, the primary system, or the scenic system which was there lawfully maintained immediately prior to May 10, 1971 but which does not comply with the provisions of the act and these regulations, shall be maintained by any person:

(1) After May 10, 1974; or

(2) With respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-66-175 Highway fatality markers.

**WSR 94-12-050  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed May 27, 1994, 11:00 a.m., effective July 1, 1994]

Date of Adoption: May 27, 1994.

Purpose: To amend WAC 296-17-350(1). Eliminates subsection (1) of this rule, thereby eliminating the mandatory \$10 minimum quarterly premium payment. This amendment brings the Department of Labor and Industries into compliance with statute.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-350.

Statutory Authority for Adoption: RCW 51.04.020(1).

PERMANENT

Pursuant to notice filed as WSR 94-07-127 on March 23, 1994.

Effective Date of Rule: July 1, 1994.

May 27, 1994  
Mark O. Brown  
Director

**AMENDATORY SECTION** (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-350** (~~(Minimum premiums—)~~) **Assumed worker hours.** (~~(A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an~~) Assumed number of worker hours must be, and hereby, is established:

(1) (~~(Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.~~

(2)) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(~~(3))~~) (2) **Building or property management.** Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation by dividing total compensation by the average hourly wage for classification 4910 as contained in WAC 296-17-89501 "average hourly wages" to determine reportable assumed hours. Provided that the reportable exposure calculated under this subsection shall not exceed 520 hours per quarter for each worker.

(~~(4))~~) (3)(a) **Commission personnel—Inside employments.** Commission personnel—inside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed exclusively within an office having no duties away from the office. Commission personnel—inside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned

worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.

(b) **Commission personnel—Outside employments.** Commission personnel—outside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed to perform duties primarily away from the employers premises although some office work may be performed. Commission personnel—outside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: *Provided*, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(~~(5))~~) (4) **Salaried personnel.** Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: *Provided*, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: *Provided further*, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(~~(6))~~) (5) **Piece workers.** For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: *Provided*, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: *Provided further*, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to

determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

~~((7))~~ **(6) Noncontact sports teams.** All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

~~((8))~~ **(7) Jockeys and race drivers.** All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: *Provided*, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

~~((9))~~ **(8) Pilots and flight crew members.** Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: *Provided*, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: *Provided further*, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

**WSR 94-12-051  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed May 27, 1994, 11:03 a.m., effective July 1, 1994]

Date of Adoption: May 27, 1994.

Purpose: Adopt new classification and general reporting rule applicable to logging and/or tree thinning - mechanized operations; amend base rate tables to include a new rate for logging and/or tree thinning - mechanized operations; and reclassify tree pruning and topping from one classification (to be repealed) to another classification which will provide the industry with more stable insurance rates.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC, Manual of rules, classifications and rating system for workers' compensation insurance.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.16.035.

Pursuant to notice filed as WSR 94-06-055 on March 16, 1994; and WSR 94-07-129 on April 6, 1994.

Effective Date of Rule: July 1, 1994.

May 27, 1994  
Mark O. Brown  
Director

NEW SECTION

**WAC 296-17-45005 Logging and/or tree thinning—Mechanized operations—General reporting rule.** The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(1) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys will be required after the initial survey to retain the risk classification assignment.

(2) Every employer as a prerequisite of being assigned risk classification 5005 and having exposure (work hours) which is reportable under other risk classifications assigned to the employer shall be required to establish a separate subaccount for the purpose of reporting exposure (work hours) and paying premiums under this risk classification (5005). Except as otherwise provided for in this rule, only exposure (work hours) applicable to work covered by risk classification 5005 shall be reported in this subaccount. In the event that the employer's only other reportable exposure (work hours) is subject to one of the standard exception risk classifications, or the shop or yard risk classification then all exposure (work hours) will be reported under a single main account.

(3) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-501 Classification 0101.**

Airports, landing strips, runways and taxi ways: Construction and repair  
Alley and parking lot: Construction  
Diking, N.O.C. - including oil spill clean-up involving diking and/or ditching work  
Excavation work, N.O.C.  
Forest trail construction, fire fighting and slash burning, N.O.C.  
Grading work, N.O.C. - including land leveling and grading of farm lands by contractor  
Highway, street and road, N.O.C.: Construction and repair - includes operations such as grading, grubbing, clearing, surfacing, striping, guard rail highway divider installation, highway lighting and highway sign installation  
Humus or peat digging - including humus or peat dealers  
Land clearing, N.O.C. - including slope grooming  
Parking lot striping  
Pit, crusher and bunker operations in connection with road, street and highway construction

Railroad line: Construction, maintenance and repair, N.O.C., - including the dismantling of tracks and the sale of salvaged track metal and ties

Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Sand, gravel, or shale: Digging, N.O.C.

Tree topping and pruning services, N.O.C. - use of this subclassification is limited to employers engaged in providing a variety of tree care services such as tree topping and tree pruning. Work performed subject to this subclassification will generally take place in residential areas, or settings adjacent to roadways, parking lots, business parks, shopping malls. A primary purpose of this work is to remove tree or branch hazards from power lines or building structures. This subclassification includes all the incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree topping or limbing operation, spraying or fumigating, and debris removal. This subclassification excludes tree pruning done in connection with an orchard operation which is to be reported separately in classification 4803; tree pruning done in connection with a nursery operation which is to be reported separately in classification 4805; tree topping or tree pruning done in connection with a public or private forest, range land operation which is to be reported separately in classification 5004; or tree pruning done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.

Tunnels and approaches - including lining, cofferdam work, shaft sinking, and well digging with caisson

This classification excludes bridge construction which is to be reported separately in classification 0201 although such a structure may be constructed as a part of a highway, street or road construction project; logging road construction which is to be reported separately in classification 6902; log railroad construction which is to be reported separately in classification 6902; and tunnels and approaches - including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction which is to be reported separately in classification 0701.

## NEW SECTION

### **WAC 296-17-66003 Classification 5005.**

Logging and/or tree thinning - mechanized operations: Use of this classification is limited to employers who are engaged in the "entire operation" of mechanical logging and/or tree thinning. For purposes of this rule the "entire operation" refers to the felling of trees, removal (skidding) of trees, processing (delimiting and bucking) of trees, and loading of trees on to log trucks by machines. Employers who are only involved in a portion of the work, and not involved in the "entire operation" of mechanical logging or tree thinning as described above are not covered by this classification and are to be reported separately in classification 5001 "logging, N.O.C." For example, an employer that subcontracts to fell trees with a feller/buncher or

processor but is not involved in the removal (skidding) of the trees, the processing (delimiting and bucking) of trees and the loading of trees is excluded from this classification (5005) and is to be reported under classification 5001 "logging, N.O.C." Any employer whose operation includes any manual felling, removal, processing or loading of trees is excluded from this classification (5005) and is to be reported under classification 5001 "logging, N.O.C."

Equipment used by employers subject to this classification will consist of the following:

Feller/buncher - this machine is used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation

Processor - this machine is used to fell trees, delimit them, buck the tree to the desired log length and stack them (bunches) for removal to the landing where they will be segregated by general grade and loaded onto log trucks. In some cases a processor is used at the landing to delimit trees and buck them to log length. This is especially true when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation

Grapple skidder - this machine is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to the skidder as a tractor. A bulldozer is also referred to by the industry as a tractor. The two are distinguished from one another in that the skidder is a tire driven tractor and the bulldozer is a track driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation

Forwarder - this machine is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pickup by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation

Harvester - this machine is used at the landing of the logging side to delimit trees and buck trees to desired log length. This machine can also be used to load logs on to log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation

Loader - this machine is used at the landing to load logs on to log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation

All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS)

See risk classification 5206 (WAC 296-17-675) for permanent shop/yard operations.

**AMENDATORY SECTION** (Amending WSR 93-24-114, filed 12/1/93, effective 1/1/94)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Base Rates Effective  
January 1, 1994

Class	Medical Aid	
	Accident Fund	Fund
0101	1.3982	0.7894
0102	1.2970	0.7702
0103	1.4836	1.0467
0104	2.0611	1.0538
0105	1.2586	0.8944
0106	4.0487	3.6391
0107	1.2935	0.7310
0108	1.2520	0.6469
0109	4.7286	2.3896
0201	2.5381	1.3046
0202	2.8343	1.8592
0206	2.7195	1.1299
0301	0.5589	0.4541
0302	2.1415	1.0803
0306	1.0650	0.6421
0307	0.7808	0.5437
0403	1.3102	0.9729
0502	1.1912	0.6685
0504	1.4982	0.8277
0506	4.3824	2.3677
0507	3.1345	1.8771
0508	3.4097	1.6003
0509	2.0208	1.1829
0510	1.4609	0.9626
0511	1.1947	0.7891
0512	1.8712	1.0760
0513	0.7526	0.5053
0514	1.4609	0.9626
0515	2.6498	1.2995
0516	1.4609	0.9626
0517	1.8332	1.3207
0518	1.8819	0.9755
0519	1.4911	1.1874
0601	0.6279	0.4454
0602	0.4096	0.2795
0603	0.8048	0.5104
0604	1.0263	0.8291
0606	0.2162	0.2398
0607	0.2359	0.2460
0608	0.2431	0.2260
0701	2.7346	1.0169
0803	0.3342	0.2684
0804	0.9284	0.5816
0901	1.7463	1.0350
1002	0.9260	0.6628
1003	0.5997	0.4131
1004	0.5997	0.4131
1005	4.7327	2.3634
1007	0.2420	0.2329

1101	0.5192	0.4306
1102	1.2691	0.7464
1103	0.4065	0.3885
1104	0.4994	0.4737
1106	0.1773	0.2408
1108	0.3684	0.3710
1109	0.6350	0.6252
1301	0.2959	0.2502
1303	0.1909	0.1444
1304	0.0193	0.0214
1305	0.2835	0.2877
1401	0.6026	0.5351
1404	0.5032	0.3921
1405	0.4871	0.4366
1501	0.3705	0.2815
1507	0.2820	0.2514
1701	1.8241	0.9221
1702	1.8241	0.9221
1703	0.4268	0.2864
1704	0.8537	0.5869
1801	1.0190	0.5852
1802	0.8894	0.6168
2002	0.5185	0.5252
2003	0.3711	0.3615
2004	0.6474	0.5591
2007	0.3572	0.4009
2008	0.2458	0.2010
2009	0.2448	0.2477
2101	0.6013	0.5183
2102	0.3711	0.3615
2104	0.2486	0.2738
2105	0.5205	0.3805
2106	0.3500	0.3199
2201	0.2152	0.1983
2202	0.4905	0.4913
2203	0.2639	0.2578
2401	0.3775	0.3699
2903	0.5468	0.5350
2904	0.5946	0.5305
2905	0.4393	0.4410
2906	0.3713	0.2828
2907	0.4675	0.4074
2908	0.9338	0.7930
2909	0.5063	0.4774
3101	0.7319	0.4725
3102	0.2875	0.2724
3103	0.6204	0.4526
3104	0.4673	0.3740
3105	0.9304	0.7006
3303	0.2055	0.1995
3304	0.5522	0.5380
3309	0.3081	0.3754
3401	0.3635	0.3125
3402	0.3906	0.3437
3403	0.1776	0.1573
3404	0.3792	0.3827
3405	0.2846	0.2502
3406	0.1715	0.2002
3407	0.3043	0.2485
3408	0.0792	0.0697
3409	0.0822	0.0884
3410	0.1518	0.1994

PERMANENT



3501	0.8988	0.6594	4910	0.3483	0.3581
3503	0.2022	0.2912	5001	5.2245	2.6082
3506	0.8275	0.5198	5002	0.4840	0.3953
3509	0.3848	0.3796	5003	1.7720	0.8264
3510	0.3975	0.4035	5004	2.9733	2.0671
3511	0.6130	0.5538	<u>5005</u>	<u>1.3982</u>	<u>.7894</u>
3512	0.3084	0.3619	5101	0.6491	0.6043
3602	0.0855	0.1060	5103	0.7026	0.6455
3603	0.2981	0.3371	5106	0.4621	0.5026
3604	1.3498	1.0083	5108	0.6829	0.5104
3605	0.4223	0.3581	5109	0.5572	0.4119
3701	0.2401	0.2212	5201	0.3200	0.2642
3702	0.5096	0.4317	5204	0.9147	0.6744
3707	0.3959	0.3914	5206	0.3954	0.3090
3708	0.2875	0.2724	5207	0.1056	0.1386
3801	0.2189	0.1925	5208	0.8348	0.6872
3802	0.1760	0.1731	5209	0.5870	0.5653
3808	0.2597	0.2347	5301	0.0206	0.0219
3901	0.1438	0.1645	5305	0.0352	0.0376
3902	0.4003	0.4127	5306	0.0333	0.0352
3903	0.9394	1.0456	5307	0.3337	0.2746
3905	0.1218	0.1696	6103	0.0420	0.0607
3906	0.4504	0.4279	6104	0.2137	0.2130
3909	0.2054	0.2310	6105	0.1578	0.1650
4002	0.6593	0.5067	6107	0.1113	0.1369
4101	0.1884	0.1863	6108	0.4310	0.4580
4103	0.1970	0.2284	6109	0.0398	0.0443
4107	0.1097	0.1171	6110	0.4146	0.3779
4108	0.1884	0.1863	6201	0.1664	0.1655
4109	0.1884	0.1863	6202	0.4936	0.4190
4201	0.2404	0.1854	6203	0.0658	0.0792
4301	0.7203	0.6542	6204	0.1368	0.1715
4302	0.6888	0.4666	6205	0.1368	0.1715
4304	0.5275	0.5179	6206	0.1368	0.1715
4305	1.0830	0.6850	6207	0.7777	1.0893
4401	0.4860	0.4356	6208	0.2119	0.2685
4402	0.5579	0.5396	6209	0.1782	0.2200
4404	0.4509	0.3768	6301	0.0986	0.0842
4501	0.1190	0.1144	6302	0.1354	0.1370
4502	0.0368	0.0366	6303	0.0552	0.0566
4504	0.0588	0.0879	6304	0.1152	0.1667
4601	0.5543	0.5645	6305	0.0519	0.0634
4802	0.2574	0.2369	6306	0.2063	0.2189
4803	0.1984	0.2453	6308	0.0416	0.0391
4804	0.4246	0.4408	6309	0.1123	0.1302
4805	0.2603	0.2828	6402	0.2342	0.2283
4806	0.0697	0.0716	6403	0.1540	0.1946
4808	0.4269	0.3909	6404	0.1130	0.1525
4809	0.2256	0.2534	6405	0.4644	0.4439
4810	0.1345	0.1508	6406	0.0607	0.0752
4811	0.2172	0.2364	6407	0.1633	0.1800
4812	0.3941	0.3191	6408	0.2972	0.2945
4813	0.2388	0.2194	6409	0.4320	0.3552
4901	0.0389	0.0371	6410	0.1304	0.1416
4902	0.0444	0.0389	6501	0.0756	0.0779
4903	0.0389	0.0371	6502	0.0194	0.0233
4904	0.0163	0.0195	6503	0.0698	0.0473
4905	0.2219	0.2784	6504	0.3006	0.4105
4906	0.0572	0.0581	6505	0.0799	0.1001
4907	0.0598	0.0537	6506	0.0521	0.0692
4908	0.1396	0.1396	6508	0.3026	0.3063
4909	0.0592	0.1396	6509	0.1623	0.2022

PERMANENT

6601	0.1629	0.1905
6602	0.3706	0.3846
6603	0.2389	0.2452
6604	0.0530	0.0516
6605	0.3150	0.4043
6607	0.1056	0.1386
6608	0.2881	0.1861
6614	272.0000**	249.7000**
6615	203.2000**	186.5000**
6616	27.0000**	24.7000**
6617	20.2000**	18.5000**
6618	77.5000**	71.2000**
6704	0.1201	0.1271
6705	0.7053	0.8321
6706	0.3154	0.3717
6707	11.32*	13.70*
6708	3.1900	4.8240
6709	0.1359	0.1980
6801	0.2376	0.2009
6802	0.2554	0.3222
6803	1.6138	0.3486
6804	0.1683	0.1704
6809	2.1394	5.0284
6901	0.0000	0.0474
6902	0.7423	0.4056
6903	4.7024	2.9071
6904	0.2091	0.1837
6905	0.2178	0.2166
6906	0.0000	0.2166
6907	1.0575	0.8286
6908	0.3367	0.3177
6909	0.0636	0.0712
7101	0.0271	0.0263
7102	16.00*	36.42*
7103	0.2627	0.2074
7104	0.0185	0.0239
7105	0.0284	0.0277
7106	0.1695	0.1489
7107	0.2282	0.1877
7108	0.1961	0.2089
7109	0.2358	0.2551
7110	0.3382	0.2529
7111	0.4954	0.3954
7112	0.6213	0.4795
7113	0.7438	0.4784
7114	0.5257	0.6543
7115	0.5571	0.4298
7116	0.6024	0.4505
7117	1.2373	1.6166
7118	2.7234	2.2154
7119	1.7968	1.3897
7120	5.0776	4.5910
7121	5.4988	4.5460
7201	0.7427	0.5316
7202	0.0381	0.0400
7203	0.0891	0.1417
7204	0.0000	0.0000
7301	0.5759	0.4760
7302	0.5482	0.5867
7307	0.6980	0.6684

7308	0.1611	0.2162
7309	0.1359	0.1980

<sup>1</sup> The base rate for this classification shall be effective July 1, 1994.  
 \* Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.  
 \*\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-17-506 Classification 0106.

**WSR 94-12-052**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed May 27, 1994, 3:18 p.m.]

Date of Adoption: May 27, 1994.

Purpose: WAC 308-65-040 and 308-65-160 are housekeeping changes. WAC 308-65-070(3) is being deleted as it refers to the wrong statute and is covered in RCW 46.16.079.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-65-070(3); and amending WAC 308-65-040 and 308-65-160.

Statutory Authority for Adoption: RCW 46.79.080.

Pursuant to notice filed as WSR 94-07-037 on March 9, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1994

Heather B. Hamilton  
 Administrator

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-040 Hulk hauler—Application for license.** The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require, and in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler denied, suspended, or revoked and on what dates and what grounds.

(2) A certification from a member of the Washington state patrol that his/her vehicle(s) are properly identified in accordance with WAC ((~~308-61-320~~) 308-65-070(5)).

The license may be renewed prior to the expiration date by filing a renewal application, securing a signature of the appropriate member of the Washington state patrol on his/her application, and paying a renewal fee of ten dollars.

**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-070 Hulk hauler—General procedures and requirements.** Hulk haulers shall comply with all

statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

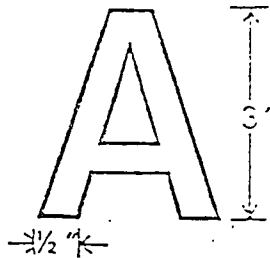
(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he/she shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

~~(3) ((Tow ear fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.~~

(4)) Inspection of transport vehicle. Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

~~((5))~~ (4) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



**AMENDATORY SECTION** (Amending WSR 93-08-076, filed 4/6/93, effective 5/7/93)

**WAC 308-65-160 Termination of business.** A hulk hauler or scrap processor who terminates his business shall return his/her license and special license plates to the department for cancellation within ten business days of such termination(~~, except as provided in RCW 46.70.081~~).

**WSR 94-12-053**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 5043—Filed May 27, 1994, 3:58 p.m.]

Date of Adoption: May 27, 1994.

Purpose: Establish fees for services performed by the department's animal health diagnostic laboratory.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 16-32-010.

Statutory Authority for Adoption: Chapter 16.38 RCW. Pursuant to notice filed as WSR 94-09-072 on April 20, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The fee increases are within the Fiscal Growth Factors for fiscal year 1994 and 1995.

Effective Date of Rule: Thirty-one days after filing.

May 27, 1994

James M. Jesernig  
 Director

**NEW SECTION**

**WAC 16-32-009 Schedule of laboratory fees.**

Effective through June 30, 1994, the following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:

(1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state the following fees shall apply:

(a) Accession fee for each submission date (per owner)	\$10.00
(b) Bacteriology:	
Aerobic culture (1-3 tissues per animal)	\$ 7.50
each additional animal, same submission	\$ 2.10
Antibiotic sensitivity tests (each organism)	\$ 3.20
Paratuberculosis (Johne's disease)	\$10.70
each additional sample in herd, same submission	\$ 3.20
Milk culture - per animal	\$ 7.50
each additional animal in herd, same submission	\$ 2.10
Trichomoniasis	\$ 2.65
Campylobacteriosis	\$ 2.65
(c) Serology:	
Food animal:	
Single virus or bacteria (CF, Agglutination, AGID):	
1st animal	\$ 2.65
each additional animal in herd, same submission	\$ 1.05
Companion animals:	
Equine Infectious Anemia (EIA), AGID, each animal	\$ 3.75
Leptospirosis microscopic agglutination	
1st animal	\$ 5.35
each additional animal, same submission	.53
<u>Brucella canis</u> tube agglutination	
1st animal	\$ 5.35
each additional animal, same submission	.53
<u>Brucella canis</u> slide agglutination	
1st animal	\$ 5.35
each additional animal, same submission	\$ 3.25
(d) ELISA testing	
Bluetongue (first animal)	\$ 7.00
each additional animal in herd, same submission	\$ 3.50
Equine Infectious Anemia (EIA), each animal	\$10.00

PERMANENT

PERMANENT

(e) Other services and supplies:  
 Forwarding of samples to other laboratories \$ 5.00  
 Shipping supplies or samples, handling fee  
 each shipment \$ 3.00  
 (3) If the owner is an out-of-state resident, the following fees shall apply:  
 (a) Accession fee for each submission date (per owner) \$15.00  
 (b) Bacteriology:  
 Aerobic culture (1-3 tissues per animal) \$10.70  
 each additional animal, same submission \$ 3.20  
 Antibiotic sensitivity tests (each organism) \$ 4.25  
 Paratuberculosis (Johne's disease) \$16.05  
 each additional sample in herd, same submission \$ 4.25  
 Milk culture - per animal \$10.70  
 each additional animal in herd, same submission \$ 3.20  
 Trichomoniasis \$ 3.75  
 Campylobacteriosis \$ 3.75  
 (c) Serology:  
 Food animal:  
 Single virus or bacteria (CF, Agglutination, AGID):  
 1st animal \$ 4.25  
 each additional animal in herd, same submission \$ 1.05  
 Companion animal:  
 Equine Infectious Anemia (EIA), AGID, each animal \$ 5.35  
 Leptospirosis microscopic agglutination  
 1st animal \$ 8.00  
 each additional animal, same submission \$ 1.60  
Brucella canis tube agglutination  
 1st animal \$ 8.00  
 each additional animal, same submission \$ 1.60  
Brucella canis slide agglutination  
 1st animal \$ 8.00  
 each additional animal, same submission \$ 4.80  
 (d) ELISA testing  
 Bluetongue (first animal) \$10.50  
 each additional animal, same submission \$ 5.25  
 Equine Infectious Anemia (EIA), each animal \$15.00  
 (e) Other services and supplies:  
 Forwarding of samples to other laboratories \$ 7.50  
 Shipping supplies or samples, handling fee  
 each shipment \$ 4.50  
 (4) A fee shall be charged by the department for any other analysis, supplies or service not listed in this section. Such fees shall be based on labor costs, supply and material costs, and administrative and overhead costs.

**NEW SECTION**

**WAC 16-32-011 Schedule of laboratory fees.**  
 Effective July 1, 1994, the following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:  
 (1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state, the following fees shall apply:  
 (a) Accession fee for each submission date (per owner) \$10.00  
 (b) Bacteriology:  
 Aerobic culture (1-3 tissues per animal) \$ 7.95  
 each additional animal, same submission \$ 2.20  
 Antibiotic sensitivity tests (each organism) \$ 3.40  
 Paratuberculosis (Johne's disease) \$11.35  
 each additional sample in herd, same submission \$ 3.40  
 Milk culture - per animal \$ 7.95  
 each additional animal in herd, same submission \$ 2.20  
 Trichomoniasis \$ 2.80  
 Campylobacteriosis \$ 2.80  
 (c) Serology:  
 Food animal:  
 Single virus or bacteria (CF, Agglutination, AGID):  
 1st animal \$ 2.80  
 each additional animal in herd, same submission \$ 1.10  
 Companion animals:  
 Equine Infectious Anemia (EIA), AGID, each animal \$ 3.95  
 Leptospirosis microscopic agglutination  
 1st animal \$ 5.65  
 each additional animal, same submission .55  
Brucella canis tube agglutination  
 1st animal \$ 5.65  
 each additional animal, same submission .55  
Brucella canis slide agglutination  
 1st animal \$ 5.65  
 each additional animal, same submission \$ 3.45  
 (d) ELISA testing  
 Bluetongue (first animal) \$ 7.45  
 each additional animal in herd, same submission \$ 3.70  
 Equine Infectious Anemia (EIA), each animal \$10.60  
 (e) Other services and supplies:  
 Forwarding of samples to other laboratories \$ 5.30  
 Shipping supplies or samples, handling fee  
 each shipment \$ 3.15  
 (3) If the owner is an out-of-state resident, the following fees shall apply:  
 (a) Accession fee for each submission date (per owner) \$15.00  
 (b) Bacteriology:  
 Aerobic culture (1-3 tissues per animal) \$11.35  
 each additional animal, same submission \$ 3.40  
 Antibiotic sensitivity tests (each organism) \$ 4.50  
 Paratuberculosis (Johne's disease) \$17.05  
 each additional sample in herd, same submission \$ 4.50  
 Milk culture - per animal \$11.35  
 each additional animal in herd, same submission \$ 3.40  
 Trichomoniasis \$ 3.95  
 Campylobacteriosis \$ 3.95  
 (c) Serology:  
 Food animal:  
 Single virus or bacteria (CF, Agglutination, AGID):

1st animal	\$ 4.50
each additional animal in herd, same submission	\$ 1.10
Companion animal:	
Equine Infectious Anemia (EIA), AGID, each animal	\$ 5.65
Leptospirosis microscopic agglutination	
1st animal	\$ 8.50
each additional animal, same submission	\$ 1.70
<u>Brucella canis</u> tube agglutination	
1st animal	\$ 8.50
each additional animal, same submission	\$ 1.70
<u>Brucella canis</u> slide agglutination	
1st animal	\$ 8.50
each additional animal, same submission	\$ 5.10
(d) ELISA testing	
Bluetongue (first animal)	\$11.15
each additional animal, same submission	\$ 5.55
Equine Infectious Anemia (EIA), each animal	\$15.95
(e) Other services and supplies:	
Forwarding of samples to other laboratories	\$ 7.95
Shipping supplies or samples, handling fee each shipment	\$ 4.75
(4) A fee shall be charged by the department for any other analysis, supplies or service not listed in this section. Such fees shall be based on labor costs, supply and material costs, and administrative and overhead costs.	

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-32-010 Schedule of laboratory fees.

**WSR 94-12-055  
PERMANENT RULES**

**DEPARTMENT OF PERSONNEL**

[Filed May 27, 1994, 4:29 p.m., effective July 1, 1994]

Date of Adoption: May 27, 1994.

Purpose: Revisions address and clarify Washington management service issues to decrease confusion and enhance the successful outcomes of this program.

Citation of Existing Rules Affected by this Order: Amending WAC 356-56-015, 356-56-021, 356-56-035, 356-56-050, 356-56-105, 356-56-115, 356-56-120, 356-56-205, 356-56-210, 356-56-220, and 356-56-550.

Statutory Authority for Adoption: Chapter 41.06 RCW, RCW 41.06.500.

Pursuant to notice filed as WSR 94-09-065 on April 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: In some of the adopted sections, wording changes were made as a result of editing and content comments from people concerned with or affected by these rules.

Effective Date of Rule: July 1, 1994.

May 27, 1994  
Dennis Karras  
Director

AMENDATORY SECTION (Amending WSR 94-09-012, filed 4/12/94, effective 5/14/94)

~~WAC 356-56-015 ((Phase in agencies Application))~~  
**Implementation of rules.** Chapter 356-56 WAC adopted by the director of personnel and effective ((January 1994 will apply only to the department of personnel, department of revenue, and office of minority and women's business enterprises. Chapter 356-56 WAC will apply to the department of transportation effective March 15, 1994. After the phase in period, the director will adopt rules)) July 1, 1994 ((that apply)) applies to all agencies except the department of fish and wildlife and the department of community, trade, and economic development. Chapter 356-56 WAC will apply to the department of fish and wildlife effective August 1, 1994 and the department of community, trade, and economic development effective September 1, 1994.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-021 Washington management service— Transition of career executive program.** (1) The provisions of this section apply only to managerial employees in the department of fish and wildlife and department of community, trade, and economic development who were appointed to career executive program positions in probationary, trial service or permanent status as of June 30, 1993. ((The provisions of WAC 356-56-021 do not apply to managerial employees in these positions in agencies listed in WAC 356-56-015.)) The provisions of this section shall apply to such employees in the department of fish and wildlife only until August 1, 1994 and in the department of community, trade, and economic development only until September 1, 1994 or until they leave the position, whichever occurs first.

(2) ((Individuals who leave the above positions, all other managerial employees, and all vacant managerial positions are subject to the provisions of the remaining chapters of WAC 356, until such time as the director adopts rules in WAC 356-56 which pertain to those employees and positions.

(3) ~~Managerial employees referenced in sub-section (1) of this section who successfully complete a twelve-month probationary or trial service period shall attain permanent status in the classification to which their position is allocated.~~

(4) ~~Permanent managerial employees referenced in sub-section (1) of this section shall retain permanent status in the classification to which their position is allocated.~~

(5) ~~Managerial employees referenced in sub-section (1) of this section who have been in the same job class and position for four consecutive years from career executive appointment date shall be removed from coverage of the provisions of this section, UNLESS an extension is approved by the director or designee.~~

((6)) (3) An agency director may remove a managerial employee from coverage of the provisions of this section, provided that the employee was informed of a limitation of less than four consecutive years on career executive program participation upon appointment to the program.

((7)) (4) Permanent managerial employees who voluntarily leave career executive transition status or leave

in accordance with sub-sections ~~((5))~~ (2) and ~~((6))~~ (3) of this section, shall remain in their positions and retain permanent status. Agencies shall notify the director of personnel, or designee of these vacancies.

~~((8))~~ ~~Managerial employees who have not successfully completed a probationary or trial service period into positions referred in sub-section (1) of this section, or where the position is subsequently abolished, shall be entitled to return to the position or class previously held with permanent status. If such position is not available, the managerial employee shall return to a position similar in nature and salary to the position previously held. Employees appointed into these positions via the open competitive process shall not have return rights under the provisions of this section.~~

~~((9))~~ (5) Employees shall not be offered reduction ~~(-)~~in ~~(-)~~force options or trial service reversion rights to filled positions that were in the career executive program on June 30, 1993. Agencies may elect to return entitled exempt employees to these positions.

~~((10))~~ ~~Except for the agencies named in WAC 356-56-015, this section providing for career executive transition into the Washington management service shall be in effect until the director of personnel adopts rules in chapter 356-56 WAC replacing this section and encompassing all classified managerial employees subject to the provisions of RCW 41.06-)~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-035 Definitions.** (1) Anchor positions. Generic anchor positions are those which are found in many agencies; they are commonly understood and similarly used from agency to agency. Agency-specific anchor positions are those anchor positions in each agency which are commonly understood and similarly used throughout the agency.

(2) Appointing authority. A person or group of persons designated by the agency head to make appointments, impose formal discipline or otherwise regulate personnel matters.

(3) Evaluation points. The points resulting from an evaluation of a position using the managerial job value assessment chart.

(4) Management bands. A series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

~~((4))~~ ~~Salary level. A range of ten percent higher and lower than the salary assigned to the position.)~~

(5) Transfer. Movement from one position to a different position with the same evaluation points.

(6) Washington general service. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the Washington personnel resources board.

~~((6))~~ (7) Washington management service. The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 and those chapters of Title 356 WAC that are adopted by the director of personnel.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-050 Transition.** (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

(a) Retain current salary;

(b) ~~((Continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature;~~

~~((c))~~ Immediately assume permanent status in the Washington management service for permanent status employees;

~~((d))~~ (c) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,

~~((e))~~ (d) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) Incumbents in positions transitioned into Washington management service will continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature.

(4) Permanent status employees who are in project positions at the time their regular positions are placed in the Washington management service, have return rights to the same or similar Washington management service positions.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-105 Position evaluation — Assignment to management bands.** Management bands are a series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position. Each agency will evaluate its positions using a managerial ~~((point factor system))~~ job value assessment chart developed by the department of personnel. The number of points resulting from the evaluation will determine to which management band a position is assigned.

AMENDATORY SECTION (Amending WSR 94-09-012, filed 4/12/94, effective 5/14/94)

**WAC 356-56-115 Salary adjustments.** (1) Adjustments to the compensation for a position with no change in ~~((point factor))~~ evaluation points shall not exceed the maximum or fall below the minimum amount set by the

director of personnel for the management band. ~~((Normally;))~~ After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

- (a) Legislatively directed general and/or special increase;
- (b) Documented recruitment and/or retention problems as approved by the agency director or designee;
- (c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent~~((, in recognition of the employee's demonstrated growth and development))~~. Progression adjustments must be within the forty-five thousand dollar salary limit established by the 1993 legislature until such time as the limit is changed or removed.

(2) Voluntary movement in or to a position of ~~((a lesser point factor))~~ lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional responsibilities which results in ~~((a))~~ higher ~~((point factor))~~ evaluation points for ~~((the))~~ the same position, or movement to a different position that has ~~((a))~~ higher ~~((point factor))~~ evaluation points. Promotional ~~((E))~~ increases in ~~((salary made to meet the new point factor evaluation))~~ may exceed ten percent.

(4) A disciplinary demotion for cause is the assignment of responsibilities which results in ~~((a))~~ lower ~~((point factor))~~ evaluation points for ~~((the))~~ the same position, or movement to a different position that has ~~((a))~~ lower ~~((point factor))~~ evaluation points. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act. ~~((A disciplinary reduction in salary in conformance with the Fair Labor Standards Act may also exceed ten percent.))~~

(5) Involuntary downward movement based on a non-disciplinary reassignment of duties that results in ~~((a))~~ lower ~~((point factor))~~ evaluation points for ~~((of))~~ an employee's present position shall not cause a decrease in the employee's current salary. The employee's current salary will be retained until such time as it is exceeded by the Washington management service salary structure or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such ~~((recognition))~~ compensation shall not become a permanent salary increase but is considered to be income for ~~((the))~~ recognizing documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-120 Other pay practices.** (1) Each agency shall be responsible for determining the work period designation for each of its positions in accordance with the federal Fair Labor Standards Act. For positions covered by the overtime provisions of the Fair Labor Standards Act, pay shall be administered as prescribed by chapter 356-15 WAC.

(2) Leave accrual and use and holiday time will be administered as prescribed in chapter 356-18 WAC.

(3) Each agency will determine policy and practices for additional compensation such as shift differential, call back pay, and standby pay.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-205 Movement within Washington management service.** (1) ~~((A promotion within the Washington management service occurs when an employee's salary is adjusted upward as a result of WAC 356-56-115(3). A review period may be required as specified in WAC 356-56-220.~~

~~((2))~~ There is no required promotional preference when recruiting and selecting for Washington management service positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to those eligible for agency or service-wide promotion.

~~((3))~~ (2) A transfer is the movement of an employee from one position to a different position or movement of a position from one section, department, or geographical location to another~~((The salary of the employee or the position remains))~~ at the same evaluation points ~~((salary level))~~.

(a) An employee and the affected agency or agencies may agree to a transfer within Washington management service, within an agency, or between agencies.

(b) An agency or agencies may transfer an employee or a position with an incumbent to meet client or organizational needs if the new location is within a reasonable commute as defined by the agency.

(c) An agency may transfer a position at any time. However, if the transfer results in an unreasonable commute for the incumbent, and the incumbent does not agree to transfer with the position, the rules on reduction in force as provided in WAC 356-56-550 shall apply.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-210 Movement between Washington management service and Washington general service positions.** (1) Employees who have attained permanent status, or who have completed six months of the review period in the Washington management service are eligible to compete under promotional recruitments for Washington general service positions.

(2) Permanent employees may transfer from the Washington management service to Washington general service positions if their salary is within the salary range of the Washington general service position.

(3) Permanent employees may transfer from Washington general service to Washington management service positions if their salary is within the ~~((salary level))~~ management band of the Washington management service position.

(4) Permanent employees may voluntarily demote between Washington management service and Washington general service positions at a lower pay level than their current permanent position.

**AMENDATORY SECTION** (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-220 Review period—Attaining permanent status.** (1) The review period for an appointee to a position within the Washington management service is a period of time to allow the employer to ensure the appointee meets the performance and other requirements of the position.

(2) Based on the nature of the job and the skills of the appointee, the review period will be between twelve and eighteen months as determined by the appointing authority. The appointing authority will inform the appointee in writing at the time of appointment of the length of the review period.

(3) Appointees from outside state service and promotional appointees will attain permanent status in the position upon successful completion of the review period.

(4) An appointing authority may require an ~~((permanent))~~ employee who transfers or voluntarily demotes to serve a review period.

(5) An employee who is promoted to a different Washington management service position during the review period, will begin a new review period for the new position. The employee will concurrently serve both the original and the new review period and will attain permanent status as a state employee in the original position when the original review period elapses.

(6) An employee who is appointed to a Washington management service position from a Washington general service position while serving a probationary or trial period in the same or similar occupational field will serve the trial service or probationary period concurrently with the review period. The employee will attain permanent status in the previous job classification once the original probationary or trial service period elapses.

(7) The agency may require a review period when the employee remains in the same position and receives a promotion.

**AMENDATORY SECTION** (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

**WAC 356-56-550 Reduction in force—Agency procedure—Bump options.** (1) Washington management service employees may be separated due to reduction in force in accordance with ~~((WAC 356-30-330, except that WAC 356-30-330 (3)(d) through (f) and (7) shall not apply. Seniority shall be defined as provided in WAC 356-05-390))~~ the statutes and the agency's reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated,

or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of these rules.

(2) When exempt employees have statutory rights to return to the Washington management service, such employees first shall be returned to the position selected. If such return causes the total number of employees to exceed the total number of positions to be filled, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) Each agency shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force, seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees last continuous time within their current position; if the tie still exists, by measuring the employees last continuous time in their current agency; and if the tie still exists, by lot.

(b) Layoff units will be clearly defined, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(c) Options in lieu of separation by reduction in force may be offered by an agency only when such options are in accordance with the agency's reduction in force procedure.

(d) Appointment to vacancies and "bumping" shall occur in accordance with ~~((the agency reduction in force plan and))~~ the following:

~~((a))~~ (i) Appointing authorities will seek within the agency a funded vacant Washington management service position for which the employee has the required job skills that is at the same evaluation points ~~((salary within the Washington management service))~~. If no funded vacancies exist, then the appointing authority shall seek a funded position within the agency at the same or lower ~~((salary))~~ evaluation points for which the separated employee has greater seniority, applicable personal work history, and the required job skills ~~((as outlined in the agency reduction in force plan))~~. The appointing authority will first look within the current management band for equivalent funded positions at the same ~~((salary))~~ evaluation points, and if none are found, then progressively to positions with lower ~~((salaries))~~ evaluation points. The appointing authority may consider vacant positions within the agency at ~~((a))~~ higher ~~((salary))~~ evaluation points. ~~((Lower salary positions are positions where the mid-point salary is lower than the mid-point salary of the current position. Mid-point salary is the resultant salary of the point factor evaluation plus any prevailing rate factor.~~

~~((b))~~ (ii) Appointing authorities will consider appropriate Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate Washington management service positions within the agency which have ~~((a))~~ lower evaluation points and salary.

~~((c))~~ (iii) Permanent Washington management service employees who have no options for the same or similar



positions in the Washington management service, and who have held permanent status in the Washington general service, will be afforded reduction in force rights as provided in chapter 356-30 WAC.

(e) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(f) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(g) Seniority for part-time employees will be computed using the same percentage the part-time schedule bears to a full-time schedule. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(h) No permanent employee shall be separated through reduction in force without being offered acting positions for which the agency determines the employee is qualified.

(i) The salary of an employee who accepts a position with lower evaluation points shall be determined by the agency.

**WSR 94-12-063**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 30, 1994, 9:00 a.m.]

Date of Adoption: May 30, 1994.

Purpose: Revise classification plan applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC, Manual of rules, classifications and rating system for Washington workers' compensation insurance.

Statutory Authority for Adoption: RCW 51.04.020(1), 51.16.035.

Pursuant to notice filed as WSR 94-07-128 on March 23, 1994.

Effective Date of Rule: Thirty-one days after filing.

May 30, 1994

Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-50602 Classification 0108.**

Ditches and canals, N.O.C.

Sewer construction

Septic tank installation, including drainfield construction

Tanks, N.O.C. - underground type: Installation (~~and~~),  
repair, or removal.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

**WAC 296-17-519 Classification 0504.**

Cleaning, washing, and/or sandblasting buildings, N.O.C. - including shop operations

Painting bridges, including incidental preparation work

Painting, coating or cleaning oil or gas storage tanks (~~and~~),  
beer vats, and sewage treatment tanks

Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop

Painting towers, smokestacks and steel or iron structures

Plastering, stuccoing, and lathing buildings - interior work

Sandblasting, N.O.C., including shop operations

Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107)

Water proofing, N.O.C., excluding roofing or subaqueous work.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

**WAC 296-17-52104 Classification 0512.**

Asbestos abatement - all operations

Insulation or soundproofing materials installation, N.O.C.

This classification includes installation of weather strip and caulking, roof or soffit ventilators, energy-efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. Report installation of windows separately in risk classification 0511 (WAC 296-17-52103) "glass installation—buildings" and energy auditors with no installation or delivery duties separately in risk classification 6303 (WAC 296-17-698) "outside sales—estimators."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-524 Classification 0603.**

Commercial equipment installation, service and repair

Dynamos: Installation, service and repair including electrical generators and turbines

Engines and gas machines: Service and repair including installation, replacement of drive belts, erection of shafting

Machinery: Installation, service and repair - including installation and repair of escalator and conveyor systems, printing presses, and commercial laundry equipment N.O.C. and millwright work, N.O.C.

Playground equipment - metal: Installation and repair

This classification includes the dismantling of all the above types of machinery and will also include plant maintenance by contractor which will be rated as millwright work.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

**WAC 296-17-528 Classification 0701.**

Dam construction, all operations in damsite area  
This classification applies to new dam construction only - all other activities to be separately rated.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-53504 Classification 1007.**

Foresters, forest rangers((?)) and timber cruisers ((~~and~~ ~~surveyors~~))

Geophysical exploration, N.O.C., no core drilling  
Inspection and grading bureaus, N.O.C.

Log scaling and grading bureaus

Lumber inspection services

Prospectors

Rainmaking - not by aircraft

Surveyor services, N.O.C.

Testing and inspecting of pipe lines - radiographers

Weather stations

Weigh scale attendants, N.O.C.

X-raying by contractor at industrial plants or construction sites

Classification 1007, classification ((~~5004~~) 5001, and classification ((~~5005~~) 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

**WAC 296-17-536 Classification 1101.**

Armored car service

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise

Distribution of sample merchandise by vehicle

Driver delivery sales, N.O.C.

Drivers of sound trucks

News agents or distributors of magazines, periodicals and telephone books, no retail dealer

Route food services, excludes food preparation to be reported under risk classification 3905 (WAC 296-17-618)

Septic tank ((~~and cesspool cleaning~~)) pumping, excludes installation ((~~or~~)), repair or cleaning

Street sweeping, parking lot sweeping, portable chemical toilets servicing

Street vending vehicles.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-56101 Classification 2009.**

Building material dealers, warehouse centers, home improvement centers, and lumber yards(~~(- Wholesale or retail)~~)

Electrical supply dealers

((~~Pump, plumbing, irrigation pipe, and pipe supply dealers: Wholesale or retail~~))

Farm supply stores(~~(- Wholesale or retail)~~)

Hardware stores with lumber or building material supplies(~~(- Wholesale or retail)~~)

Pump, plumbing, irrigation pipe, and pipe supply dealers: Includes pump repair if done in shop

For the purposes of this rule the term "building materials" includes but is not limited to such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, etc.

This classification includes all store and yard operations with inventory of building material, lumber and lumber products. Such stores may also carry a variety of hardware items, hand and power tools, paints, floor coverings, garden supplies, housewares, and similar types of products. Transfer of product or material inventory between related stores is included within this classification

This classification excludes delivery drivers which are to be separately rated under risk classification 1101 "Delivery-stores: Retail/wholesale." This classification further excludes all other activities conducted away from the shop or plant operation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

**WAC 296-17-650 Classification 4901.**

Consulting engineering ((~~and~~)), architectural ((~~firms~~)), and land surveying services, N.O.C.

Geologists, N.O.C.

Lease buyers performing work similar to oil geologists

Oil or gas geologists or scouts.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-686 Classification 6109.**

Childbirth classes

Chiropractors, N.O.C.

Dental clinics, N.O.C.

Dentists, N.O.C.

Massage therapy services - This subclassification excludes massage practitioners employed by a health club, gymnasium, saunas or bath house which are to be reported separately in classification 6204

Medical clinics, N.O.C.

Midwife services

Naturopaths, N.O.C.

Optometrists, N.O.C.

Physical therapists, N.O.C.

Physicians and surgeons, N.O.C.

Psychologists and psychiatrists, N.O.C.

Radiology and MRI referral clinics

This classification includes clerical office and sales personnel.

**AMENDATORY SECTION** (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

**WAC 296-17-704 Classification 6309.**

Automobile, truck, motorcycle accessory or replacement parts stores (~~(-wholesale/retail)~~) - excluding repairs  
 Bicycle stores - (~~(wholesale/retail)~~) including repairs  
 Custom picture or u-frame stores - (~~(wholesale/retail)~~) including repairs  
 Gun stores - (~~(wholesale/retail)~~) including repairs  
 Hardware variety stores, N.O.C.: (~~(Wholesale/retail)~~)  
Excluding any operation that sells lumber or building materials which will be separately reported in risk classification 2009 and small engine repair which is to be separately reported in classification 3402  
 Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be separately reported in risk classification 0607  
 Stained art glass stores - (~~(wholesale/retail)~~) excluding manufacturing  
 Wood stove and accessory stores - (~~(wholesale/retail)~~) excluding installations or repairs  
 This classification includes clerical office and sales personnel.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

**WAC 296-17-706 Classification 6402.**

Grocery stores with fresh meat counters, combined - retail  
 This classification includes clerical office and sales personnel  
 (~~(Lunch counters and restaurant operations to be separately rated.)~~) This classification also includes but is not limited to such activities as in-store bakeries, delis, espresso bars, video rentals, film developing, and floral, but excludes in-store pharmacies, lunch counters, and restaurant operations to be separately rated.

**AMENDATORY SECTION** (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

**WAC 296-17-779 Classification 7309.**

Work activity centers  
 (~~(For the purpose of this rule "work activity center" will refer to such centers licensed through the department of social and health services and as defined in Title 29, Part 525.2(e) of the Code of Federal Regulations as published by United States Department of Labor, providing job training and learning skills to mentally and/or developmentally disabled workers and who are enrolled as clients of the center. Usage of this classification will be limited to mentally and/or developmentally disabled workers employed within a work activity center and excludes all other employments of mentally and/or developmentally disabled workers not employed in a work activity center which will be separately rated in risk classification 6709 (WAC 296-17-740).))~~ This classification is only applicable to businesses who have employees listed on their Community Rehabilitation Program (CRP) subminimum wage certificate as issued

by the United States Department of Labor. This classification (~~(further)~~) excludes professional, clerical, and other blue-collar employments which will be separately rated in risk classification 6709 (WAC 296-17-740) even though the only operation of the employer may be a work activity center.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-17-558 Classification 2005.

**WSR 94-12-067  
 PERMANENT RULES  
 FISH AND WILDLIFE  
 COMMISSION**

[Order 661—Filed May 31, 1994, 9:49 a.m., effective June 1, 1994]

Date of Adoption: May 26, 1994.

Purpose: Closes selected portions of the Nooksack, Skagit, and Cedar rivers, and a portion of Lake Washington to the sport fishing of summer steelhead, Dolly Varden/bull trout, resident trout and searun cutthroat.

Summary: Eliminates impacts on depressed salmon stocks caused by sportfishing during critical salmon migration and spawning periods.

Reasons Supporting Proposal: Salmon stocks are at depressed levels throughout Washington. The regulation proposals will assist in reducing the various game fish sport fishing impacts on nontarget salmon stocks by eliminating hooking mortality on nontarget species, reducing poaching and making enforcement less complicated.

Resource Impacts: The average three-year harvest of summer steelhead for the affected waters is 3417 fish. The harvest of Dolly Varden/bull trout and other game fish species) particularly resident trout and searun cutthroat) is unknown. These fish should be available for harvest outside closed sections or later in the season when the sections reopen.

Financial Impacts: Some impacts to professional guides may occur through cancellations of guided steelhead trips.

Statement of Finding: An effective date of June 1, 1994, which is earlier than the thirty-one days after filing, is necessary because the time requirements would be contrary to the public interest. Depressed salmon stocks will be entering Washington streams in early June. Waiting thirty-one days to implement this regulation will make these depressed salmon stocks vulnerable to hooking mortality, poaching and harvest due to misidentification during summer steelhead, Dolly Varden/bull trout, resident trout and searun cutthroat sport fishing seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 94-09-069 on April 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: Deleted original Item 2, paragraph one and two; Items 3-5; Items 8-21. Renumbered Item 6 to Item 3 and Item 7 to Item 4. Items 1, 2, and 4: Dates were changed to

be inclusive of the last date, i.e., Closed to fishing for steelhead June 1, 1994 ~~((to))~~ through August 31, 1994. Item 2: Punctuation was changed from dolly varden/Bull Trout to Dolly Varden/bull trout. Item 4: Removed steelhead and added all game fish.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An effective date of June 1, 1994, which is earlier than the thirty-one days after filing is necessary because the time requirements would be contrary to the public interest. Depressed salmon stocks will be entering Washington streams in early June. Waiting thirty-one days to implement this regulation will make these depressed salmon stocks vulnerable to hooking mortality, poaching and harvest due to misidentification during summer steelhead, bull trout/Dolly Varden, resident trout, and searun cutthroat trout sport fishing seasons.

Effective Date of Rule: June 1, 1994.

May 27, 1994  
 Patricia McLain  
 Senior Assistant Director  
 for John McGlenn  
 Chairman

NEW SECTION

**WAC 232-28-61950 1994-1995 Washington game fish seasons and catch limits—Nooksack River, Skagit River, Lake Washington, and Cedar River.** Notwithstanding the provisions of WAC 232-28-619, effective June 1, 1994, the following regulations apply:

- Item 1: Nooksack River: Mouth to Forks, Middle Fork to Dam, North Fork to Nooksack Falls: Closed to fishing for steelhead June 1, 1994 through August 31, 1994.  
 South Fork, from its mouth to Skookum Creek: Closed to fishing for all game fish June 1, 1994 through September 30, 1994.
- Item 2: Skagit River: Dalles Bridge to 200 feet upstream of mouth of the Baker River: Closed to fishing for steelhead, Dolly Varden/bull trout June 1, 1994 through October 15, 1994.
- Item 3: Lake Washington: Lake Washington including that portion of Sammamish River from 68th Avenue NE Bridge downstream: Closed to fishing for steelhead year around.
- Item 4: Cedar River: Mouth to Landsburg diversion dam: Closed to fishing for all game fish June 1, 1994 through September 1, 1994.

**WSR 94-12-075  
 PERMANENT RULES  
 CODE REVISER'S OFFICE**

[Filed May 31, 1994, 1:49 p.m., effective June 9, 1994]

Date of Adoption: May 31, 1994.

Purpose: To amend WAC 1-21-010 and 1-21-170 to reflect new requirements imposed by section 1, chapter 249, Laws of 1994.

Citation of Existing Rules Affected by this Order: Amending WAC 1-21-010 and 1-21-170.

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, and 34.08.030.

Other Authority: RCW 34.05.310, as amended by section 1, chapter 249, Laws of 1994.

Pursuant to notice filed as WSR 94-09-045 on April 19, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These amendments need to go into effect earlier than the normal thirty-one days after filing because section 1, chapter 249, Laws of 1994 becomes effective June 9, 1994, and these amendments need to implement that section.

Effective Date of Rule: June 9, 1994.

May 31, 1994  
 Dennis W. Cooper  
 Code Reviser

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

**WAC 1-21-010 Preproposal (~~(comments)) statement of intent.~~ ((An agency that wishes))** To solicit comments from the public (~~(under))~~ as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, (~~(may))~~ an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal ((Comments)) Statement of Intent). The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

**WAC 1-21-170 Official forms.** Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal (~~(Comments)) Statement of Intent~~
- (2) Form CR-102 Proposed Rule Making
- (3) Form CR-103 Rule-making Order
- (4) Form CR-104 Review of Previously Adopted Rules.

**WSR 94-12-089  
 PERMANENT RULES  
 DEPARTMENT OF HEALTH**

[Filed June 1, 1994, 10:37 a.m.]

Date of Adoption: June 1, 1994.

PERMANENT

Purpose: To amend chapter 70.170 RCW regarding hospital data.

Citation of Existing Rules Affected by this Order: Repealing chapters 246-450 and 246-452 WAC; and amending chapters 246-451, 246-453, and 246-454 WAC.

Statutory Authority for Adoption: Chapters 43.070 [43.70], 70.170 RCW.

Pursuant to notice filed as WSR 94-09-026 on April 15, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 June 1, 1994  
 Bruce Miyahara  
 Secretary

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-450-001 Purpose.
- WAC 246-450-010 Definitions.
- WAC 246-450-020 Public records available.
- WAC 246-450-030 Public records officer.
- WAC 246-450-040 Office hours.
- WAC 246-450-050 Requests for public records.
- WAC 246-450-060 Inspections and copying.
- WAC 246-450-070 Exemptions.
- WAC 246-450-080 Review of denials of public records requests.
- WAC 246-450-090 Protection of public records.
- WAC 246-450-100 Records index.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-001 Purpose.** This chapter is adopted by the Washington state (~~hospital commission pursuant to RCW 70.39-180~~) department of health to implement the provisions of RCW (~~70.39-170~~) 70.170.080, regarding the financing of the basic expenses (~~of the Washington state hospital commission~~) for the hospital data collection and reporting activities by the department by an assessment against hospitals.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-010 Definitions.** As used in this chapter, unless the context requires otherwise,

(1) ("~~Commission~~") "Department" shall mean the Washington state (~~hospital commission~~) department of health created by chapter (~~70.39~~) 43.70 RCW.

(2) "Hospital" shall mean any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW (~~but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination~~).

(3) "Gross operating costs" shall mean the sum of direct operating expenses required to be reported in cost centers 6000-~~(8899)~~ 8999, (~~excluding the professional component~~

~~of hospital-based physicians, and prior to the distribution of other operating revenue reported in accounts 5000-5799, all~~) as specified in the manual adopted under WAC (~~261-20-030~~) 246-454-020.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-020 Levying of assessment. Rate:** The (~~commission~~) department, pursuant to RCW (~~70.39-170~~) 70.170.080 hereby levies upon each hospital an annual assessment at the rate of four one-hundredths of one percent of such hospital's gross operating costs incurred during its fiscal year ending on or before June 30th of the preceding calendar year.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-030 Payment of assessment.** (1) The (~~commission~~) department annually shall calculate the amount of assessment due from each hospital, and shall prepare and mail to such hospital a statement indicating the amount of the assessment. The assessment shall be paid within ninety days after the statement of such assessment is mailed by the (~~commission~~) department.

(2) An assessment reminder notice shall be mailed forty-five days after the mailing of the initial statement.

(3) A second assessment reminder notice shall be mailed ninety days after the mailing of the initial statement. This reminder shall declare the assessment delinquent and a penalty shall be payable, calculated as interest on the delinquent assessment at the rate of twelve percent per annum.

(4) A third assessment reminder notice shall be mailed one hundred twenty days after the mailing of the initial statement. This reminder shall state the delinquent status of the assessment and the total accrued interest to the date of this reminder notice.

(5) A fourth assessment reminder notice shall be mailed one hundred fifty days after the mailing of the initial statement. This reminder shall be the final reminder and shall state the amount of the delinquent assessment and total interest accrued to the date of this reminder. In addition, the hospital will be notified that if payment of the assessment and all accrued interest (~~is~~) is not made within thirty days of the reminder, the account will be sent to the attorney general for appropriate action.

(6) Whenever a partial payment is made, the remaining balance shall be treated in the same manner as provided in subsections (2) through (5) of this section.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-040 (~~Exemption from~~) Assessment exceptions.** (1) Upon receipt of a request in detail to the satisfaction of the (~~commission~~) department, the (~~commission~~) department may grant an exemption from assessment to a hospital for such assessment period(s) or portion thereof as the (~~commission~~) department shall specify, for the following reasons:

PERMANENT

(a) The hospital was not in operation for the entire twelve months of its assessable fiscal year. (Such hospital, however, shall be liable for an assessment based on its gross operating costs for the period of its assessable fiscal year during which it was in operation.)

(b) ~~((A change in ownership of the operating entity of the hospital has occurred during such hospital's assessable fiscal year. (From and after February 15, 1974, however, an entity that assumes the operation of, or otherwise becomes the operator of a hospital shall also assume the assessment obligation of any previous operating entity.)~~

(e)) The hospital charges no fee to users of its services; presents no billing, either direct or indirect, to users of its services; and presents no billing and accepts no payment for services from private or public insurers.

(2) The request for an exemption from assessment shall specify the assessment period(s) or portion thereof for which exemption is sought, and the reasons why the ~~((commission))~~ department should grant the exemption. A request for an exemption shall be acted upon by the ~~((commission))~~ department within sixty days of the receipt thereof.

(3) Any hospital granted an exemption from assessment under this chapter, nevertheless, shall be required to conform to all reporting requirements as the ~~((commission))~~ department may prescribe.

(4) An entity that assumes the operation of, or otherwise becomes the operator of a hospital shall also assume the assessment obligation of any previous operating entity.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-050 Reporting of information.** For the purpose of calculating the assessment, the ~~((commission))~~ department will use the most recent year-end report submitted pursuant to WAC ~~((261-20-050))~~ 246-454-050.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-451-060 Penalties for violation.** RCW ~~((70-39-200))~~ 70.170.070 provides that every person who shall violate or knowingly aid and abet the violation of chapter ~~((70-39))~~ 70.170 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the ~~((commission))~~ department of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter ~~((70-39))~~ 70.170 RCW may be enjoined from continuing such violation. Failure to remit the payment required by WAC ~~((261-10-040))~~ 246-451-030 or file the reports required by WAC ~~((261-10-060))~~ 246-451-050 shall constitute a violation, and the ~~((commission))~~ department may levy a civil penalty not to exceed one ~~((hundred))~~ thousand dollars per day for each day following official notice of the violation by the ~~((commission))~~ department. The ~~((executive director of the commission))~~ department may grant extensions of time to remit the payment or file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

## REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-452-001	Purpose.
WAC 246-452-010	Definitions.
WAC 246-452-020	Report of changes in or new prices--Reporting form.
WAC 246-452-030	Information regarding pricing policy.
WAC 246-452-040	Time deadline for submission of report.
WAC 246-452-050	Changes in contracts.
WAC 246-452-060	Additional information request.
WAC 246-452-070	Commission review and response to reports.
WAC 246-452-080	Penalties for violation.

AMENDATORY SECTION (Amending Order 142, filed 2/14/91, effective 3/17/91)

**WAC 246-453-001 Purpose.** This chapter is adopted by the Washington state department of health to implement the provisions of ~~((section 506, chapter 9, Laws of 1989 1st ex. sess. and))~~ chapter 70.170 RCW. These sections relate to hospital policies for charity care, bad debt and emergency medical care, including admission practices, the compilation and measurement of the level of charity care services provided by each hospital, and penalties for violation of these provisions.

AMENDATORY SECTION (Amending Order 142, filed 2/14/91, effective 3/17/91)

**WAC 246-453-010 Definitions.** As used in this chapter, unless the context requires otherwise,

(1) "Department" means the Washington state department of health created by chapter ~~((9, Laws of 1989 1st ex. sess.))~~ 43.70 RCW ~~((43-70-020))~~;

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW;

(3) "Manual" means the Washington State Department of Health Accounting and Reporting Manual for Hospitals, adopted under WAC ~~((261-20-030))~~ 246-454-020;

(4) "Indigent persons" ~~((shall))~~ means those patients who have exhausted any third-party sources, including Medicare and Medicaid, and whose income is equal to or below 200% of the federal poverty standards, adjusted for family size or is otherwise not sufficient to enable them to pay for the care or to pay deductibles or coinsurance amounts required by a third-party payor;

(5) "Charity care" means appropriate hospital-based medical services provided to indigent persons, as defined in this section;

(6) "Bad debts" ~~((shall))~~ means uncollectible amounts, excluding contractual adjustments, arising from failure to pay by patients whose care has not been classified as charity care;

(7) "Appropriate hospital-based medical services" ~~((shall))~~ means those hospital services which are reasonably calculated to diagnose, correct, cure, alleviate, or prevent the

worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting the service. For purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all;

(8) "Medical staff" ((~~shall~~)) means physicians, dentists, nurses, and other professional individuals who have admitting privileges to the hospital, and may also participate as members of the medical staff committees, serve as officers of the medical staff, and serve as directors or chiefs of hospital departments;

(9) "Third-party coverage" and "third-party sponsorship" ((~~shall~~)) means an obligation on the part of an insurance company or governmental program which contracts with hospitals and patients to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital services;

(10) "Unusually costly or prolonged treatment" ((~~shall~~)) means those services or combinations of services which exceed two standard deviations above the average charge, and/or three standard deviations above the average length of stay, as determined by the department's discharge data base;

(11) "Emergency care or emergency services" ((~~shall~~)) means services provided for care related to an emergency medical or mental condition;

(12) "Emergency department" and "emergency room" ((~~shall~~)) means that portion of the hospital facility organized for the purpose of providing emergency care or emergency services;

(13) "Emergency medical condition" ((~~shall~~)) means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(a) Placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

(b) Serious impairment of bodily functions;

(c) Serious dysfunction of any bodily organ or part.

With respect to a pregnant woman who is having contractions the term shall mean:

(d) That there is inadequate time to effect a safe transfer to another hospital before delivery; or

(e) That transfer may pose a threat to the health or safety of the woman or the unborn child;

(14) "Responsible party" ((~~shall~~)) means that individual who is responsible for the payment of any hospital charges which are not subject to third-party sponsorship;

(15) "Limited medical resources" ((~~shall~~)) means the nonavailability of services or medical expertise which are required or are expected to be required for the appropriate diagnosis, treatment, or stabilization per federal requirements of an individual's medical or mental situation;

(16) "Publicly available" ((~~shall~~)) means posted or prominently displayed within public areas of the hospital, and provided to the individual in writing and explained, at

the time that the hospital requests information from the responsible party with regard to the availability of any third-party coverage, in any language spoken by more than ten percent of the population in the hospital's service area, and interpreted for other non-English speaking or limited-English speaking or other patients who can not read or understand the writing and explanation;

(17) "Income" ((~~shall~~)) means total cash receipts before taxes derived from wages and salaries, welfare payments, Social Security payments, strike benefits, unemployment or disability benefits, child support, alimony, and net earnings from business and investment activities paid to the individual;

(18) "Family" means a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family;

(19) "Initial determination of sponsorship status" ((~~shall~~)) means an indication, pending verification, that the services provided by the hospital may or may not be covered by third party sponsorship, or an indication from the responsible party, pending verification, that he or she may meet the criteria for designation as an indigent person qualifying for charity care; and

(20) "Final determination of sponsorship status" ((~~shall~~)) means the verification of third party coverage or lack of third party coverage, as evidenced by payment received from the third party sponsor or denial of payment by the alleged third party sponsor, and verification of the responsible party's qualification for classification as an indigent person, subsequent to the completion of any appeals to which the responsible party may be entitled and which on their merits have a reasonable chance of achieving third-party sponsorship in full or in part.

AMENDATORY SECTION (Amending Order 142, filed 2/14/91, effective 3/17/91)

**WAC 246-453-050 Guidelines for the development of sliding fee schedules.** All hospitals shall, within ninety days of the adoption of these rules, implement a sliding fee schedule for determination of discounts from billed charges for responsible parties meeting the criteria in WAC 246-453-040(2). These sliding fee schedules must be made available upon request.

(1) In developing these sliding fee schedules, hospitals ((~~must~~)) shall consider the following guidelines:

(a) The sliding fee schedule ((~~should~~)) shall consider the level of charges that are not covered by any public or private sponsorship in relation to or as a percentage of the responsible party's family income;

(b) The sliding fee schedule ((~~should~~)) shall determine the maximum amount of charges for which the responsible party will be expected to provide payment, with flexibility for hospital management to hold the responsible party accountable for a lesser amount after taking into account the specific financial situation of the responsible party;

(c) The sliding fee schedule ((~~should~~)) shall take into account the potential necessity for allowing the responsible party to satisfy the maximum amount of charges for which the responsible party will be expected to provide payment

over a reasonable period of time, without interest or late fees; and

(d) Hospital policies and procedures regarding the sliding fee schedule (~~should~~) shall specify the individual financial circumstances which may be considered by appropriate hospital personnel for purposes of adjusting the amount resulting from the application of the sliding fee schedule, such as:

(i) Extraordinary nondiscretionary expenses relative to the amount of the responsible party's medical care expenses;

(ii) The existence and availability of family assets, which may only be considered with regard to the applicability of the sliding fee schedule;

(iii) The responsible party's future income earning capacity, especially where his or her ability to work in the future may be limited as a result of illness; and

(iv) The responsible party's ability to make payments over an extended period of time.

(2) Examples of sliding fee schedules which address the guidelines in the previous subsection are:

(a) A person whose annual family income is between one hundred one and two hundred percent of the federal poverty standard, adjusted for family size, shall (~~be responsible for that portion of~~) have his/her hospital charges that are not covered by public or private sponsorship (~~that is~~) limited to forty percent of the (~~amount by which~~) excess of that person's annual family income (~~exceeds~~) over one hundred percent of the federal poverty standard, adjusted for family size. This responsibility may be adjusted by appropriate hospital personnel after taking into consideration the individual financial circumstances of the responsible party. The responsible party's financial obligation which remains after the application of this sliding fee schedule may be payable in monthly installments over a reasonable period of time, without interest or late fees, as negotiated between the hospital and the responsible party.

(b) A person whose family income is between one hundred one and two hundred percent of the federal poverty standard, adjusted for family size, shall have his/her hospital charges that are not covered by public or private sponsorship reduced according to the schedule below. The resulting responsibility may be adjusted by appropriate hospital personnel after taking into consideration the individual financial circumstances of the responsible party. The responsible party's financial obligation which remains after the application of this sliding fee schedule may be payable in monthly installments over a reasonable period of time, without interest or late fees, as negotiated between the hospital and the responsible party. The schedule is as follows:

<u>INCOME AS A PERCENTAGE OF FEDERAL POVERTY LEVEL</u>	<u>PERCENTAGE DISCOUNT</u>
One hundred one to one hundred thirty-three	Seventy-five percent
One hundred thirty-four to one hundred sixty-six	Fifty percent
One hundred sixty-seven to two hundred	Twenty-five percent

(3) The provisions of this section and RCW 70.170.-060(5) shall not apply to the professional services of the hospital's medical staff, provided that the charges for such

services are either submitted by the individual medical staff or are separately identified within the hospital's billing system.

AMENDATORY SECTION (Amending Order 142, filed 2/14/91, effective 3/17/91)

**WAC 246-453-070 Standards for acceptability of hospital policies for charity care and bad debts.** (1) Each hospital shall develop, and submit to the department, (~~within ninety days of the adoption of these rules;~~) charity care policies, procedures, and sliding fee schedules consistent with the requirements included in WAC 246-453-020, 246-453-030, 246-453-040, and 246-453-050. Any subsequent modifications to those policies, procedures, and sliding fee schedules must be submitted to the department no later than thirty days prior to their adoption by the hospital.

(2) Each hospital shall develop, and submit to the department (~~within ninety days of the adoption of these rules;~~) bad debt policies and procedures, including reasonable and uniform standards for collection of the unpaid portions of hospital charges that are the patient's responsibility. These standards are to be part of each hospital's system of accounts receivable management manuals, which support hospital collection policies. Manuals should cover procedures for preadmission, admission, discharge, outpatient registration and discharge, billing, and credit and collections. All subsequent modifications to these bad debt policies must be submitted to the department no later than thirty days prior to their adoption by the hospital.

(3) The department (~~will~~) shall review the charity care and bad debt policies and procedures submitted in accordance with the provisions of this section. If any of the policies and procedures do not meet the requirements of this section or WAC 246-453-020, 246-453-030, 246-453-040, or 246-453-050, the department shall reject the policies and procedures and shall so notify the hospital. Such notification shall be in writing, addressed to the hospital's chief executive officer or equivalent, and shall specify the reason(s) that the policies and procedures have been rejected. Any such notification must be mailed within fourteen calendar days of the receipt of the hospital's policies and procedures. Within fourteen days of the date of the rejection notification, the hospital shall revise and resubmit the policies and procedures.

AMENDATORY SECTION (Amending Order 142, filed 2/14/91, effective 3/17/91)

**WAC 246-453-090 Penalties for violation.** (1) Failure to file the policies, procedures, and sliding fee schedules as required by WAC 246-453-070 or the reports required by WAC 246-453-080 shall constitute a violation of (~~chapter 9, Laws of 1989 1st ex. sess.;~~) RCW 70.170.060, and the department will levy a civil penalty of one (~~hundred~~) thousand dollars per day for each day following official notice of the violation. The department may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

(2) Failure to comply with other provisions of (~~Part V of chapter 9, Laws of 1989 1st ex. sess., and~~) chapter 70.170 RCW, and chapter 246-453 WAC, (~~will~~) shall result

PERMANENT



in civil penalties as provided within RCW 70.170.070(2), with the exception that the terms "not exceeding" and "not to exceed" will be read to mean "of."

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-001 Purpose.** This chapter is adopted by the Washington state (~~hospital commission pursuant to RCW 70.39.180~~) department of health to implement the provisions of RCW (~~70.39.100, 70.39.110, 70.39.120,~~) 70.170.100 and (~~70.39.140~~) 43.70.050 regarding the establishment of a uniform system of accounting, financial reporting, budgeting(~~(-)~~) and cost allocation(~~(- and prospective rate setting)~~) for hospitals in Washington state. This system shall be utilized by each hospital to record and report to the (~~commission~~) department its revenues, expenses, other income, other outlays, assets and liabilities, and units of service and to submit information, as may be required by the (~~commission~~) department, pertaining to the total financial needs of the hospital and the resources available or expected to become available to meet such needs. (~~This system is intended to carry out the commission's mandate to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.~~)

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-010 Definitions.** As used in this chapter, unless the context requires otherwise.

(1) (~~"Washington state hospital commission" and "commission" each shall~~) "Department" means the Washington state (~~hospital commission~~) department of health created by chapter (~~70.39~~) 43.70 RCW.

(2) "Hospital" (~~shall~~) means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW(~~(- but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.~~

(3) "Basic service hospital" means a hospital classified in peer groups 1 and 2 or a specialty hospital having fewer than fifty licensed beds).

(~~(4)~~) (3) "Manual" means the *Washington State (Hospital Commission) Department of Health Accounting and Reporting Manual for Hospitals*, (~~second~~) third edition adopted under WAC (~~261-20-030~~) 246-454-020.

(~~(5)~~) (4) "System of accounts" means the list of accounts, code numbers, definitions, units of measure, and principles and concepts included in the manual.

(~~(6)~~) "Rate" means the maximum revenue which a hospital may receive for each unit of service, as determined by the commission.

(~~7~~) (5) "Budget" means the forecast of each hospital's total financial needs and the resources available to meet such needs for its next fiscal year and includes such information as shall be specified in the manual concerning (~~goals and objectives,~~) volume and utilization projections, operating expenses, capital requirements, and deductions from revenue(~~(- and proposed rates)~~).

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-020 Adoption and establishment of uniform system.** The (~~commission~~) department, pursuant to RCW (~~70.39.100~~) 70.170.100, hereby adopts and establishes a uniform system of accounting, financial reporting, budgeting, and cost allocation(~~(- and prospective rate setting)~~) for hospitals in Washington state, which system is described in the (~~commission's~~) department's publication entitled *Washington State (Hospital Commission) Department of Health Accounting and Reporting Manual for Hospitals*, (~~second~~) third edition, which publication is hereby incorporated by this reference. The (~~manual shall be utilized by each~~) hospital shall utilize the manual for submitting information(~~(-)~~) as may be required by the (~~commission~~) department, pertaining to the total financial needs of the hospital and the resources available or expected to become available to meet such needs.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-030 Submission of budget (~~and rate request~~).** (1) Each hospital shall submit its annual budget (~~and rate request~~) to the (~~commission~~) department not less than (~~eighty three~~) thirty days prior to the beginning of its fiscal year(~~(- including the effect of proposals made by area wide and state comprehensive health planning agencies)~~). The budget (~~and rate request~~) shall contain that information specified in the (~~commission's~~) manual and shall be submitted in the form and manner specified in the manual. (~~Where~~) If more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(2) The hospital chief executive officer and presiding officer of the hospital's governing body shall attest that the information submitted under this section (~~or budget amendments under WAC 261-20-045~~) has been examined by such person and that to the best of his/her knowledge and belief such information is a true and correct statement of the total financial needs of the hospital (~~and the rates necessary to meet those needs~~) for the budget period.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-050 Submission of year-end report.** (1) Each hospital annually shall file its year-end report with the (~~commission~~) department within one hundred twenty days after the close of its fiscal year in the form and manner specified in the manual (~~(chapter 10000)~~): *Provided, however,* The one hundred twenty-day period may be extended up to and including an additional sixty days upon submission of adequate justification to the (~~commission, of~~

~~what it in its discretion, may consider good and sufficient reasons))~~ department. ~~((Where))~~ If more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(2) Information submitted pursuant to this section shall be certified ~~((by the hospital's certified or licensed public accountant, or under oath))~~ by the hospital's administrative and financial officers, that such reports, to the best of their knowledge and belief, have been prepared in accordance with the prescribed system of accounting and reporting, and fairly state the financial position of the hospital as of the specified date~~((the commission))~~. The department also may require attestation as to such statements from responsible officials of the hospital so designated by the governing body, if any, of the hospital.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-070 Submission of quarterly reports.** ~~((+))~~ Each hospital shall submit a quarterly summary utilization and financial report within forty-five days after the end of each calendar quarter ~~((beginning on or after January 1, 1985))~~. The quarterly report shall contain that information specified by the ~~((commission))~~ department and shall be submitted in the form and manner specified by the ~~((commission))~~ department.

~~((2) The report submitted pursuant to this section must be signed by the hospital's chief executive officer or chief financial officer.))~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-080 Alternative system of financial reporting.** Upon receipt of a request in detail to the satisfaction of the ~~((commission))~~ department, the ~~((commission))~~ department in its discretion may approve ~~((by resolution))~~ an alternative system for reporting of information under WAC ~~((261-20-040 or 261-20-050))~~ 246-454-030 or 246-454-050 by a hospital for such period(s) or portion thereof as the ~~((commission))~~ department shall specify, if:

(1) The hospital charges no fee to users of its services, presents no billing, either direct or indirect, to users of its services, and presents no billing and accepts no payment for services from private or public insurers.

(2) The hospital is significantly different from other hospitals in one or more of the following respects: Size; financial structure; methods of payment for services; or scope, type, and method of providing services.

(3) The hospital has other pertinent distinguishing characteristics.

(4) Such alternative system will avoid otherwise unduly burdensome costs in meeting the requirements of the uniform reporting system established by the ~~((commission))~~ department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-090 Modifications of uniform system.** The ~~((commission))~~ department, after due consideration, in its discretion, may prepare and publish modifications of the manual, for such period and under such conditions as the ~~((commission))~~ department shall determine. Such modifications shall be prepared in the format of, and shall be adopted by the ~~((commission))~~ department as a rule pursuant to chapter 34.04 [34.05] RCW. A copy of such modifications shall be mailed to each hospital and manual holder of record.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-110 Uniformly applicable interpretive rulings and minor manual modifications.** (1) The ~~((executive director of the commission))~~ department is authorized to make uniformly applicable interpretive rulings with respect to matters contained in the manual. The ~~((executive director of the commission))~~ department is also authorized to correct typographical and coding errors as well as make other minor organizational modifications when such corrections and modifications appear to be necessary. ~~((The commission shall be notified in advance of the executive director's proposed actions.))~~

(2) Any such interpretive ruling, correction, or modification shall be in writing and distributed as an attachment to a consecutively numbered transmittal. Such transmittal shall describe the changes in detail and shall include instructions regarding the placement of such material in the manual. Each hospital and manual holder of record shall be sent a copy of any such transmittal together with all attachments.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-454-120 Penalties for violation.** RCW ~~((70.39-200))~~ 70.170.070 provides that every person who shall violate or knowingly aid and abet the violation of chapter ~~((70.39))~~ 70.170 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the ~~((commission))~~ department of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter ~~((70.39))~~ 70.170 RCW may be enjoined from continuing such violation. Failure to file the reports required by WAC ~~((261-20-040(1), 261-20-050(1), and 261-20-057(1)))~~ 246-454-030(1), 246-454-050(1), and 246-454-070 shall constitute a violation, and the ~~((commission))~~ department may levy a civil penalty not to exceed one ~~((hundred))~~ thousand dollars per day for each day following official notice of the violation by the ~~((commission))~~ department. The ~~((executive director of the commission))~~ department may grant extensions of time to file the reports, in which cases failure to file the reports shall not constitute a violation until the extension period has expired.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-454-040 Budget amendment submittals authorized—Time limitations—Presumption.
- WAC 246-454-060 Inspection of hospitals' books and records.
- WAC 246-454-100 Modifications of uniform system applicable to only "basic service" hospitals.

**WSR 94-12-090**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed June 1, 1994, 10:38 a.m.]

Date of Adoption: June 1, 1994.

Purpose: The revision is necessary to be in compliance with the federal requirements from Health Care Financial Administration (HCFA) to change from using the Uniform Billing 82 (UB-82) format to the UB-92 format. Other changes are administrative, changing the term "Hospital Commission" to "Department of Health."

Citation of Existing Rules Affected by this Order: Amending chapter 246-455 WAC, Hospital patient discharge reporting.

Statutory Authority for Adoption: RCW 43.70.040, chapter 70.170 RCW.

Pursuant to notice filed as WSR 94-09-007 on April 11, 1994.

Effective Date of Rule: Thirty-one days after filing.

June 1, 1994  
Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-001 Purpose.** This chapter is adopted by the Washington state (~~hospital commission~~) department of health pursuant to RCW (~~(70.39.180 to implement provisions of RCW 70.39.100 as amended by section 10, chapter 288, Laws of 1984,)~~) 70.170.100 relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-010 Definitions.** As used in this chapter, unless the context requires otherwise,

(1) (~~"Commission" means the Washington state hospital commission created by chapter 70.39 RCW;~~) "Department" means department of health.

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant

comorbidities or complications, and other relevant criteria(~~(:)~~).

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW(~~(, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets [tenets] of any church or denomination;)~~).

(4) (~~((UB-82))~~) UB-92 data set means the data element specifications developed by the Washington state uniform billing (~~(implementation)~~) committee and set forth in the state of Washington (~~((UB-82))~~) UB-92 Procedure Manual, which is available to the public upon request(~~(, which are to be reported by a hospital in processing hospital patient bills/claims for payment)~~).

(5) "Patient discharge" means the termination of an inpatient admission or stay, including an admission as a result of a birth, in a Washington hospital.

(6) "HMO" means a health maintenance organization.

(7) "SNF" means a skilled nursing facility.

(8) "HCF" means a health care facility.

(9) "ICF" means an intermediate care facility.

(10) "HHA" means a home health agency.

(11) "IV" means intravenous.

(12) "UPIN" means unique physician identification number.

(13) "CHARS" means comprehensive hospital abstract reporting system.

**AMENDATORY SECTION** (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-020 Reporting of (~~(UB-82))~~ UB-92 data set information.** (1) Effective with all hospital patient discharges on or after (~~(July 1, 1984))~~ April 1, 1994, hospitals shall collect and report the following (~~(UB-82))~~ UB-92 data set elements to the (~~(commission))~~ department:

(a) Patient control number

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records (~~(and posting of payments)~~). This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification.

(b) Type of bill

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, bill classification, frequency.

Digit #1 must be "1" to indicate a hospital.

Digit #2 must be a "1," a "2" or an "8" to indicate an inpatient.

Digit #3 must be (~~(one of the following:~~

~~4--))~~ a "1" to indicate admit through discharge claim.

(c) Medicare provider number

This is the number assigned to the provider by Medicare.

(d) Patient identifier

The patient identifier shall be composed of the first two letters of the patient's last name, the first two letters of the patient's first name, or one or two initials if no first name is

available, or when the last name is a single letter add three letters of first name, and the patient's birthdate.

(e) ~~((Zipcode))~~ ZIP Code

Patient's five or nine digit ~~((zipcode))~~ ZIP Code. In the case of a foreign country, enter the first nine characters of the name.

(f) Birthdate

The patient's date of birth in ~~((MMDDYY))~~ MMDDYYYY format. ~~((Note: If the patient is over 100 years old at the date of admission, then "17" must be the value in the "condition code #1" field.))~~

(g) Sex

Patient's sex in M/F format.

(h) Admission date

Admission date in MMDDYY format.

(i) Type of admission

This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn

~~((5-Other))~~

(j) Source of admission

This field is completed with one of the following codes:

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency room
- 8 Court/law enforcement
- 9 Other

When type of admission is a "4 newborn," enter one of the following for source of admission:

- 1 Normal delivery
- 2 Premature delivery
- 3 Sick baby
- 4 Extramural birth
- 5 Multiple birth

(k) Patient status

Patient discharge disposition in one of the following codes:

- 01 Discharged home or self care
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 08 Discharged/transferred to home under care of home IV provider
- 20 Expired

(l) Statement covers period

This is the beginning and ending dates for which the ~~((UB-82))~~ UB-92 covers.

~~((Chapter 261-50 WAC))~~

(m) ~~((Condition code #1~~

~~If a patient is equal to or over 100 years old at the time of admission, the value "17" must be the value of this field.~~

~~((n))~~ Revenue code

The Medicare required revenue code (as defined in the ~~((UB-82))~~ UB-92 Procedure~~((s))~~ Manual), which identifies a specific accommodation, ancillary service or billing calculation. ~~((Effective January 1, 1987.~~

~~((o))~~ (n) Units of service

The Medicare required units of service (as defined in the ~~((UB-82))~~ UB-92 Procedure~~((s))~~ Manual) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital. ~~((Effective January 1, 1987.~~

~~((p))~~ (o) Total charges by revenue code category

Total charges pertaining to the related revenue code. ~~((Effective January 1, 1987.~~

~~((q))~~ (p) Payer identification #1

Enter the three-digit code that identifies the primary payer. The required code options include:

- 001 for Medicare
- 002 for Medicaid
- 004 for health maintenance organizations
- 006 for commercial insurance
- 008 for ~~((labor and industries))~~ workers' compensation which includes state fund, self-insured employers, and labor and industries crime victims claims
- 009 for self pay
- 610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service
- 625 for other sponsored patients, e.g., CHAMPUS, Indian health
- 630 charity care, as defined in ~~((WAC 261-14-020(5)))~~ chapter 70.170 RCW

~~((r))~~ (q) Payer identification #2

Same requirements as in payer identification #1. This field should only be completed when a secondary payer has been identified.

~~((s))~~ (r) Principal diagnosis code

~~((ICD9-CM))~~ ICD-9-CM code describing the principal diagnosis (the condition established after study to be chiefly responsible ~~((or))~~ for causing the ~~((hospitalization))~~ that exists at time of admission of the patient for care).

~~((t))~~ Diagnosis #2 code

~~ICD9-CM code of secondary diagnosis corresponding to additional diagnosis that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.~~

~~((u))~~ Diagnosis #3 code

~~ICD9-CM code of secondary diagnosis corresponding to additional diagnosis that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.~~

~~((v))~~ Diagnosis #4 code

~~ICD9-CM code of secondary diagnosis corresponding to additional diagnosis that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay.~~

(w) Diagnosis #5 code

ICD9-CM code of secondary diagnosis corresponding to additional diagnosis that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay-)) (s) Other diagnoses codes

ICD-9-CM codes identifying up to eight additional conditions that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay).

((\*) (t) Principal procedure code

The ((ICD9-CM)) ICD-9-CM code that identifies the principal procedure performed during the patient admission.

((y) Procedure #2 code

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission.

(z) Procedure #3 code

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission.

(aa) Attending physician ID

The Medicaid assigned number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a Medicaid number assigned, the state license number should be used. Effective July 1, 1987.

(bb) Other physician ID

The Medicaid assigned number of the licensed physician who performed the principal procedure. For physicians who do not have a Medicaid number, the state license number should be used. If no principal procedure was performed, this field should be left blank. Effective July 1, 1987.) (u) Other procedure codes

ICD-9-CM codes identifying up to five significant procedures other than the principal procedure performed during the admission.

(v) Attending physician identification

The UPIN number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used.

(w) Other physician identification

The UPIN number of the licensed physician who performed the principal procedure. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used. If no principal procedure was performed, this field should be left blank.

(2) ((It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030(1) is provided for all patient discharges-)) The hospital shall report all inpatients discharge data described in WAC 246-455-020. Each patient discharge must carry a separate, unique patient control number on a separate ((UB-82)) UB-92 record. For example, a mother and her newborn require separate ((UB-82s)) UB-92s, each with a separate, unique patient control number.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-040 Acceptable media for submission of data.** ((For purposes of the data collected and reported pursuant to WAC 261-50-030 and 261-50-035,)) Hospitals shall submit ((such)) data in ((such)) the form ((as)) prescribed by the ((commission)) department in the CHARS Procedure Manual ((for Submitting Discharge Data)).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-050 Time deadline for submission of data.** ((Data collected by hospitals pursuant to WAC 261-50-030 and 261-50-035)) The hospital shall ((be submitted)) submit data to the ((commission)) department or its designee within forty-five days following the end of each calendar month.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-060 Edits to data.** ((The commission or its designee shall subject the data submitted to the commission pursuant to WAC 261-50-030 and 261-50-035 to the following set of edits:)) The department shall edit the data as follows:

- (1) Record layout compatibility edits on data submitted in accordance with WAC ((261-50-040)) 246-455-020; and
- (2) Verification of the data set elements set forth in WAC ((261-50-030 and 261-50-035)) 246-455-020.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-070 Revisions to submitted data.** (1) All data revisions required as a result of the edits performed pursuant to WAC ((261-50-060)) 246-455-020 shall be corrected and ((resubmitted in the prescribed manner to the commission)) returned to the department or its designee within fourteen working days.

(2) The ((commission)) department may assess a civil penalty as provided in RCW ((70.39.200 and WAC 261-50-090)) 70.170.070 and WAC 246-455-100 for the costs associated with more than one cycle of edits as described in WAC ((261-50-060)) 246-455-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-080 Confidentiality of data.** ((The commission deems information submitted pursuant to WAC 261-50-030 (1)(a) and (d) privileged medical information as stated in RCW 70.39.110, as amended by section 11(5), chapter 288, Laws of 1984 and, therefore, such information will not be available for public inspection and copying pursuant to chapter 42.17 RCW-)) The department and any of its contractors or agents shall maintain the confidentiality of any information which may in any manner identify individual patients. RCW 70.170.090.

The following confidential data elements are not public data: Patient control number, patient identifier, patient birthdate, admission date, discharge day, and nine-digit ZIP

Code. The following data elements are public data: Patient's age at admission, discharge month and year, length of stay, and a five-digit ZIP Code.

Records containing confidential data elements may be disclosed for research purposes after approval from the human research review board in accordance with RCW 42.48.020.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-090 Certification of data accuracy.** ~~((Following the end of each calendar quarter, the commission shall furnish each hospital a report of its discharge data for that quarter contained in the commission's discharge system.))~~ The department shall furnish each hospital a report of its quarterly discharge data contained in the department's discharge data system. The chief executive officer of the hospital shall, within fourteen calendar days of receipt of the report, certify that the information contained in the ~~((commission's discharge))~~ department's discharge data system is complete and accurate to within ninety-five percent of the total discharges and total charges experienced at the hospital during that quarter, or submit the necessary corrections to the data to permit such certification.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

**WAC 246-455-100 Penalties for violation.** ~~((RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the information required by WAC 261-50-030, 261-50-035, 261-50-040, 261-50-065 and 261-50-075 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of violation by the commission. The executive director of the commission))~~ RCW 70.170.070 describes the penalty for violation of any valid orders, rules, regulations, and reporting requirements. The department may grant extensions of time to file the information, in which cases failure to file the information shall not constitute a violation until the extension period has expired.

**WSR 94-12-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 94-40—Filed May 19, 1994, 3:49 p.m., May 21, 1994, 9:00 a.m.]

Date of Adoption: May 19, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable shrimp population exists. This rule will reduce the harvest rate in order to provide greater recreational opportunity, and ensure an orderly fishery.

Effective Date of Rule: May 21, 1994, 9:00 a.m.

May 19, 1994  
Mary Lou Mills  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-32500A Shrimp and crab—Hood Canal.** Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective May 21, 1994, until further notice it is unlawful to fish for or possess shrimp or crab taken from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp and crab is allowed 9:00 a.m. to 2:00 p.m. on the following dates:

May 21 and 22;  
May 28, 29, and 30;  
June 4 and 5;  
June 11 and 12.

This subsection does not pertain to harvest of crab taken by hand while wading from shore; such harvest is permitted at any time.

(2) Each shrimp fisher must have their own shrimp pot, and no shrimp fisher may use more than one shrimp pot, which shrimp pot must conform to the Hood Canal shrimp pot gear requirements set forth in WAC 220-56-320(4). Fishers may leave their gear in the water from:

9:00 a.m. May 21 through 2:00 p.m. May 22;  
9:00 a.m. May 28 through 2:00 p.m. May 30;  
9:00 a.m. June 4 through 2:00 p.m. June 5;  
9:00 a.m. June 11 through 2:00 p.m. June 12.

No shrimp gear may remain in the water between:

2:00 p.m. May 22 and 9:00 a.m. May 28;  
2:00 p.m. May 30 and 9:00 a.m. June 4;  
2:00 p.m. June 5 and 9:00 a.m. June 11;  
or after 2:00 p.m. June 12.

(3) All unattended shrimp gear must be buoyed, and the buoy must conform with the requirements and be marked as

provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.

(4) The daily shrimp bag limit is seven pounds of whole shrimp per fisher.

(5) Crab pot gear is prohibited. No crab fisher may use more than one ring net or one star trap. Fishers may leave their gear in the water from:

9:00 a.m. May 21 through 2:00 p.m. May 22;  
9:00 a.m. May 28 through 2:00 p.m. May 30;  
9:00 a.m. June 4 through 2:00 p.m. June 5;  
9:00 a.m. June 11 through 2:00 p.m. June 12.

No crab gear may remain in the water between:

2:00 p.m. May 22 and 9:00 a.m. May 28;  
2:00 p.m. May 30 and 9:00 a.m. June 4;  
2:00 p.m. June 5 and 9:00 a.m. June 11;  
or after 2:00 p.m. June 12.

(6) All unattended crab gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

(7) The daily crab bag limit is six male crab not less than 6 inches in width, as measured at the widest part of the shell immediately in front of the points (tips)

**WSR 94-12-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 94-39—Filed May 20, 1994, 3:58 p.m.]

Date of Adoption: May 18, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-57A-00100A; and amending WAC 220-57A-001.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule eliminated licensing confusion for nonanadromous salmon, most of which cannot readily be distinguished from gamefish.

Effective Date of Rule: Immediately.

May 18, 1994  
Judith Freeman  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-57A-00100B General provisions—Lakes.** Notwithstanding the provisions of WAC 220-57A-001, effective immediately until further notice the following provisions apply to all lakes:

(1) It is unlawful to fish for or possess anadromous salmon taken from any lake not listed in this chapter.

(2) In any lake containing both anadromous and nonanadromous sockeye salmon, only fish greater than 20 inches in length shall be considered anadromous, unless otherwise provided. In any landlocked lake, all salmon are nonanadromous.

(3) All nonanadromous salmon are regulated as gamefish, and a gamefish license is required to take nonanadromous salmon, except either a gamefish license or a personal use food fish license may be used to take nonanadromous coho salmon from Riffe and Merwin Lakes and nonanadromous chinook salmon from Lake Chelan.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-57A-00100A General provisions—  
Lakes. (94-31)

**WSR 94-12-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 25, 1994; 11:33 a.m.]

Date of Adoption: May 24, 1994.

Purpose: Expressly authorize integrated compliance with SEPA and GMA so as to ensure that environmental analyses required under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA.

Citation of Existing Rules Affected by this Order: Amending chapter 197-11 WAC.

Statutory Authority for Adoption: RCW 43.21C.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reduce waste of public resources brought about by duplication and inefficiencies in meeting the requirements of SEPA and GMA. Reduce risks to the health, safety and general welfare caused by not fully taking into account environmental factors in the development of plans and regulations at the time decisions are made.

Effective Date of Rule: Immediately.

May 24, 1994  
Mary Riveland  
Director

Integrating the Growth Management Act (GMA)  
and the State Environmental Policy Act (SEPA)

**PREAMBLE**

This preamble is included to help the reader understand the emergency rule below. It provides information only and is not regulatory. The reader should refer to the rule for more complete direction.

A. Purpose and policy of integrating SEPA review with GMA planning.

(1) Deadlines for Growth Management Act plan decisions are imminent, and a number of cities and counties are seeking to integrate their GMA and SEPA processes in the initial phase of GMA compliance in order to protect and promote public safety, health and welfare in their communities. Moreover, communities are preparing, refining and revising comprehensive plan elements, subarea plans, and development regulations under GMA. The current SEPA rules do not explicitly authorize local governments planning under GMA to, among other things, initiate expanded scoping prior to SEPA threshold determinations, to make threshold determinations after proposed GMA actions are developed, or to use a substantially different format for integrated GMA/SEPA documents. The primary purpose of this rule is to provide such explicit authorization.

(2) Both GMA and SEPA seek to achieve healthy, sustainable communities and productive harmony between people and nature. GMA governs policy choices on managing growth through local comprehensive plans and development regulation. SEPA requires that a decision on these GMA actions, as well as subsequent decisions on specific projects, consider impacts to the natural and built environment. By providing plans and development regulations that are both more specific and more comprehensive than in the past, GMA will produce policies for land use and resource management that have sometimes been the result of project level review under SEPA. As GMA is implemented, comprehensive plans and development regulations should result in faster and more focused site specific environmental review.

B. Preface on integrating SEPA review with GMA planning.

(1) Among other mandates, SEPA requires all state and local agencies to use an interdisciplinary, integrated approach to build environmental factors into planning and making decisions. The terms "SEPA review" or "environmental review" are used in these rules to refer to state and local agencies giving appropriate consideration to the environment in agency decision making. Although these terms include formal SEPA documents and determinations, such as environmental impact statements (EISs) and determinations of nonsignificance (DNSs), SEPA or environmental review has a much more inclusive meaning. These terms refer to the basic concept of taking environmental quality into account in whatever an agency does. See RCW 34.21C.020, [34.21C.]030, [34.21.]060; WAC 197-11-030 and [197-11-]746.

(2) GMA governs one of the most important things that agencies do. Under GMA, local agencies adopt policies, plans and regulations to manage land use, environmental resources, and other aspects of growth in their own jurisdictions and in a coordinated way with other jurisdictions. It is not possible to develop policies, plans, or regulations that meet GMA goals or to make informed plan decisions without giving appropriate consideration to environmental factors.

(3) Over the past 20 years, many people have focused on the SEPA process in terms of whether or not an environmental impact statement is required (a SEPA threshold determination), rather than on how to provide useful environmental analysis to make decisions. This problem has been compounded by a general unwillingness to depart from a

EMERGENCY



typical environmental checklist or EIS format and to combine other planning and SEPA documents, even though these rules mandate and encourage people to do so. GMA and SEPA will be integrated only if:

(a) Quality environmental analysis is performed along with other planning analyses, often well in advance of formal SEPA determinations and proposed GMA plan documents;

(b) An ongoing informal effort is made to define the scope of the options and their environmental consequences throughout the planning process leading up to plan decisions; and

(c) GMA and SEPA documents are one and the same wherever possible, rather than preparation of separate "planning" and "environmental" documents.

C. Integrating the timing of GMA actions and SEPA review.

(1) Interrelationship between environmental analysis and planning.

(a) Environmental review occurs from the time planning begins through the time that policies, plans, and regulations are finally adopted. It then recommences or continues as policies, plans, and regulations are amplified, refined, and amended. For practical purposes, this review falls into two areas: (i) Preliminary analysis needed to develop and define a proposed action; and (ii) formal determinations or documents that accompany proposed actions through formal public and agency comment and adoption.

(b) Preparing GMA policies, plans, and regulations involves a community exploring and testing visions, goals, directions, concepts, options, tradeoffs, consequences, and so on. Environmental as well as fiscal and other analysis should be part of and occur throughout this planning process. Sound environmental (and other necessary) analysis and good comprehensive land use planning are basically inseparable. Formal GMA and SEPA documents represent the "tip of the iceberg" which reflect a "snapshot" of the planning process at the time these documents are written.

(c) SEPA's formal documents serve three main purposes, as emphasized elsewhere in these rules: (i) To document that actual and appropriate consideration of environmental values occurred in the planning process; (ii) to provide public, agency and tribal review and comment prior to adopting a policy, plan, or regulation; and (iii) to ensure coordination among the policies, plans, and regulations of various governments. As this rule provides, these purposes can be met to a greater degree by integrated SEPA/GMA documents.

(d) The process of preparing good policies, plans, and regulations should allow for ongoing, informal interaction among public officials and all sectors of the public. Each city and county has the discretion to decide the most useful time for preparing both preliminary environmental analyses and formal SEPA documents and determinations. WAC 197-11-055 (2)(b).

(e) It is the intent of this rule to set a clear standard for the time by which formal SEPA documents and determinations must be prepared and to provide wide latitude for cities and counties to decide how to structure an integrated SEPA/GMA process.

(2) Preliminary environmental analysis and preliminary planning: Scoping a community's options.

(a) Exploring options and ideas. Thinking "out loud" about environmental quality is one of the essential purposes of SEPA and GMA. This approach may be considered preliminary discussion, exploration or documentation of ideas and options, and may occur prior to commencing "formal" environmental review. See WAC 197-11-055 (1), (2)(a)(ii), (4)(c), which should be interpreted as applying to GMA planning prior to the stage of a formally proposed plan or development regulation.

(b) Preliminary environmental analyses. Prior to a threshold determination but as part of the planning process, GMA jurisdictions may prepare environmental analyses for use by decision makers and the public to assist in developing and reviewing preliminary drafts of GMA plan decisions and amendments, including county-wide planning policies, comprehensive plans, subarea plans, and development regulations, or elements or portions of these documents. This integrated approach implements one of SEPA's basic purposes: To use environmental and ecological information in an interdisciplinary planning process to develop proposed actions.

(c) Scoping of options and studies. Both GMA and SEPA require that reasonable alternatives and their impacts be identified and considered, in consultation with other agencies, tribes, and the public, so that proposals can be developed that further the purposes of these laws. See RCW 43.21C.030 and [43.21C.]110(1), 36.70A.020 and [36.70A.]140, WAC 365-195-060, [365-195-]210(26), [365-195-]300(2), [365-195-]600 and [365-195-]610. Some people have misunderstood "scoping" under SEPA as referring to the public comment period on the proposed scope of environmental studies. As stated in WAC 197-11-793, [197-11-]408, [197-11-]750 and [197-11-]410, "scoping" is the ongoing process of defining these options and consequences and the studies needed to evaluate them.

(d) Scoping process. Although one or more time periods for public and interagency comment may occur as part of scoping, the scoping process actually continues until the final, formal environmental document (or integrated GMA/SEPA document) has been prepared on a proposal. Public comment is one element of scoping, as is in-house analysis by the lead agency or its consultants. Scoping therefore has various phases, from initial visions or concepts, to defining and budgeting scopes of studies, to refining scopes of studies based on public comments or in-house analysis at various points in the planning process.

(e) Use of expanded scoping. Although "scoping" under SEPA is required when EISs are prepared, "expanded scoping" can be used at any time to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. See WAC 197-11-410(2). Expanded scoping can be used prior to, and to assist in making, SEPA threshold determinations. To achieve effective integration between GMA planning and SEPA environmental review, therefore, expanded scoping can and should be combined with similar in-house and public preliminary planning work under GMA to articulate community visions and concepts, explore alternatives, identify potential impacts (whether or not environmental), and define studies needed to develop and make decisions on proposed actions under GMA.

D. Principles for integrating SEPA and GMA.

In jurisdictions planning under GMA, all citizens and governmental entities should:

(a) Do comprehensive land use planning through the GMA process (including plan-level environmental analysis) rather than through SEPA review of proposed projects;

(b) Think about environmental quality as each community charts its future, by involving diverse sectors of the public and by incorporating early and informal environmental analysis into GMA planning and decision making;

(c) Recognize that different questions will need to be answered and different levels of detail will apply for each GMA action and at each phase of GMA planning, from the initial development of plan concepts or plan elements to implementation programs.

(c) Use SEPA review together with other analyses and public involvement to produce better plan decisions;

(d) Combine to the fullest extent possible the processes, analysis, and documents required under GMA and SEPA, so that GMA plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals of GMA and SEPA and mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental choices most relevant to that stage of the process;

(f) Not duplicate the review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to help: (i) Review and document consistency with GMA plans and regulations; (ii) provide prompt and coordinated review by agencies, tribes and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures; and

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes.

#### E. Examples of integration options.

Either of two different approaches to the timing of formal SEPA documents and determinations would meet the intent to integrate environmental factors into planning and decision making:

(a) Phased or tiered approach using formal SEPA documents. Agencies may choose to produce issue formal environmental documents at various steps throughout the GMA process, leading up to a proposed GMA comprehensive plan. This could be one way to encourage comment on specific concepts or plan elements prior to a proposed plan/EIS. For example, a draft EIS could be issued for public comment on different overall plan concepts. The environmental consequences would be at a very broad policy level of detail, focusing on broad choices and tradeoffs. By its very purpose, the document will not be as comprehensive or have as much information as will ultimately be developed on the proposed plan (or subsequent subarea plans). Supplemental EISs or addenda could then be issued focusing on key issues or geographic areas identified at the prior phase,

such as for a transportation element. At each phase, policy choices could be made and alternatives could be screened and assembled to assist the community in developing its proposed plan and development regulations. An integrated GMA/SEPA document could then consolidate the previous key findings, analyses and decisions for the more detailed plan.

(b) Early environmental analyses resulting in a formal SEPA document. Conversely, an agency may wait until a proposed plan or development regulation has been developed, with the benefit of preliminary environmental and other analysis, to prepare its SEPA threshold determination and a formal integrated GMA/SEPA document. In the latter case, the formal document would reflect public and technical analysis that led to the proposed plan and would summarize alternatives that were considered and screened, rather than "proposing" these alternatives. Additional public comment on the proposed GMA/SEPA document would allow for further revisions.

#### F. Contents of this emergency rule.

This emergency rule addresses how local governments that plan under GMA can and should take environmental factors into account in preparing and making plan decisions under GMA. This rule also guides other participants in the GMA process such as citizens, state agencies, or review bodies. The rule provides overall policies, procedures, and examples of integration, as follows:

WAC 197-11-225 Purpose, applicability and definitions, articulates an overall policy direction for integrating SEPA and GMA and explains how the rule applies to GMA decisions that are under way.

WAC 197-11-228 Overall integration procedures, provides overall procedures for achieving integration, such as joint processes and phased review.

WAC 197-11-230 Timing of an integrated GMA/SEPA process, provides procedures on the timing of SEPA compliance for proposed actions under GMA.

WAC 197-11-232 Preliminary planning and expanded scoping, provides procedures for preliminary planning and environmental analysis, including the use of expanded scoping.

WAC 197-11-235 Integrating SEPA/GMA documents, provides procedures for combining certain SEPA and GMA documents.

#### NEW SECTION

**WAC 197-11-225 Purpose, policy, applicability and definitions.** (1) "Purpose." The purpose of this emergency rule is to expressly authorize integrated compliance with SEPA and GMA so as to ensure that environmental analyses required under SEPA can occur concurrently with and as an integral part of the planning and decision making required under GMA. In order to protect and promote public safety, health and welfare, local governments need immediate relief to remove potential obstacles and provide legal support for SEPA/GMA integration.

(2) "Applicability." Jurisdictions planning under GMA may use the procedures of these rules to satisfy the requirements of SEPA for GMA actions, beginning immediately. For jurisdictions not using these procedures, nothing in these Rules is intended to jeopardize the adequacy or require the

revision of any SEPA and GMA processes, analyses, or document deadlines specified in GMA.

(3) "Definitions." For purposes of SEPA:

(a) "Formal SEPA documents" mean: (i) a non-project environmental checklist/DNS; (ii) a notice of adoption with or without an addendum; (iii) an addendum; (iv) an EIS; or (vi) an integrated GMA document.

(b) "GMA" means the Growth Management Act, ch. 36.70A RCW and those statutes codified in other chapters of the Revised Code of Washington that were enacted or amended as part of 1990 1st ex.s. c 17 and 1991 sp.s c 32.

(c) "Proposed GMA Action" means a proposal for a GMA Action that has been issued for public and interagency comment and is being considered for adoption by a local legislative body at least 60 days prior to final adoption under RCW 36.70A.106. It does *not* include drafts, preliminary drafts, or other materials or processes that have been used to develop GMA documents or elements of GMA documents: such drafts are not considered a "proposal" or "proposed action" under 197-11-055 and 406.

(d) "GMA Action" means, policies, plans and regulations adopted or amended under RCW 36.70A.210. Actions do not include preliminary determinations on the scope and content of GMA Actions, appeals of GMA Actions, actions by the Governor or by the Growth Management Hearings Boards.

(e) "Integrated GMA document" means a GMA document which contains or combines other relevant analyses including environmental analysis under SEPA.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 197-11-228 Overall integration procedures** (1) "Joint process." These rules provide full authority for GMA jurisdictions to carry out SEPA and GMA processes, analyses and documents together. Nothing in these Rules should be construed to discourage, prohibit, or conflict with integrating SEPA and GMA compliance.

(2) "Phasing and level of detail." To integrate SEPA and GMA:

(a) The appropriate scope and level of detail of environmental review should be tailored to the GMA Action being developed or considered for adoption.

(b) Jurisdictions are authorized to modify SEPA phased review as necessary to track the phasing of GMA Actions, as provided in GMA and the procedural criteria in ch. 365-195 WAC. (For example, actions of narrower scope, such as interim urban growth boundaries or development regulations, subarea plans, and plan elements may be adopted prior to GMA Actions of broader scope, such as an overall comprehensive plan revision.)

(c) The process of integrating SEPA and GMA should begin at the early stages of plan development. One purpose of an integrated GMA document (see 197-11-235) is to bring early studies together for agency and public review later in the planning and environmental review process (see 197-11-230 (2) and 235). Although early planning documents and environmental analyses such as documents on concepts or plan elements may serve specific purposes and are not each

required to be comprehensive in scope, they should explain their relationship to the overall GMA/SEPA process that is underway and identify how cumulative impacts are being considered in this overall process.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 197-11-230 Timing of an integrated GMA/SEPA process.** (1) "Preparation and review of SEPA documents." A formal SEPA document (which may be a draft integrated GMA document under 197-11-235):

(a) shall be prepared and issued no later than the time that a proposed GMA action is issued for public and interagency review;

(b) shall be provided: (i) to the legislative body that will consider issuing a GMA Action; and (ii) to any advisory body designated by the local legislative body or chief executive of the city or county to make a formal recommendation to the local legislative body on whether to propose a GMA Action, including Planning Commissions and citizen advisory groups. The draft document shall also be circulated as otherwise required of formal SEPA documents.

(2) "Threshold determinations." A SEPA threshold determination:

(a) may be made at any time, as long as it is early enough in the process so that the appropriate environmental document can accompany or be combined with a proposed GMA Action;

(b) shall be made early in the planning for the GMA Action if the responsible official can determine under 197-11-330 that a significant adverse environmental impact is likely to result from the implementation of the GMA action being developed;

(c) is *not* required when there has been a previous threshold determination or a notice of adoption or an addendum is prepared, except when a new threshold determination is required pursuant to 197-11-600(3).

#### NEW SECTION

**WAC 197-11-232 Integration procedures for preliminary planning, environmental analysis, and expanded scoping.** (1) Preliminary environmental analyses. As part of the planning process, GMA jurisdictions may prepare environmental analyses for use by decision makers and the public to assist in developing and reviewing preliminary drafts of GMA documents. Environmental analyses prepared for use in preliminary GMA planning:

(a) do not require a threshold determination.

(b) may be separate from, or woven into, issue papers or other agency planning materials or presentations.

(c) may use the format of SEPA documents, including a nonproject environmental checklist (Part D of 197-11-960) or addendum (197-11-706, 625), which are intended to be flexible and may be used at any time in the SEPA process.

(d) may include evaluation of issues and concerns that are not required in SEPA documents, such as economic or other factors identified in GMA, SEPA, and WAC 197-11-448.

(2) "Expanded Scoping."

(a) *Timing and use.* Expanded scoping may be used prior to a threshold determination to meet one or more of the purposes stated in 197-11-030, 225, 230, 235 and 410(2). Expanded scoping may initiate or be combined with any early GMA planning activities such as "visioning," development of alternative concepts or elements, or scoping of possible GMA Actions and studies. Scoping under 197-11-408 may also be used for these purposes if a determination of significance has been issued.

(b) *Notice.* An expanded scoping notice may be issued separately from or without a threshold determination. If so the notice should explain that SEPA determinations and documents will occur later and that scoping is starting early to assist and involve the public, tribes and agencies in formulating a specific proposed GMA Action and identifying useful environmental analyses.

### NEW SECTION

**WAC 197-11-235** (1) "Integrating documents."

Formal SEPA documents may be prepared as companion documents to accompany proposed GMA Actions or may be integrated into the documentation of GMA Actions. This section clarifies how 197-11-640 (all SEPA documents) and 197-11-425 through 442 (EISs) apply to integrated SEPA/GMA documents. The overriding consideration is the quality of information and analysis at the appropriate scope and level of detail for the particular GMA document, and not the format, length or bulk of the document.

(2) "Document format."

(a) There is no standard format for an integrated GMA document. An integrated GMA document may look more like a GMA document with an Environmental Summary (see 197-11-235(5)), in contrast to a format described in 197-11-430. For example, for a comprehensive plan or subarea plan, the integrated document may look like a plan with a Environmental Summary in front. Any separately bound supporting documents shall be clearly identified in the integrated document.

(b) An integrated GMA document is not required to contain a separate section on affected environment, significant impacts, and mitigation measures under 197-11-440(6), as long as this information is summarized as required in this section, and the basis for this information can be readily found in the document and the supporting record.

(3) "Integrated Non-EIS documents."

(a) If a proposed GMA Action is not likely to have a significant adverse environmental impact, an integrated GMA document may be prepared that combines the formal SEPA document (such as an environmental checklist, a notice of adoption or addendum) with the GMA document. The provisions of 197-11-235 (1) and (2) apply to these integrated documents.

(b) If an environmental checklist is used, only Parts A (which serves as a fact sheet), C (responsible official's signature), and D (non-project checklist) need be prepared, plus an Environmental Summary as specified in 197-11-235(5). Part D and the Summary may be combined.

(c) If an addendum is to accompany or be incorporated into an integrated GMA document, it shall contain the

information specified in 197-11-235(5) for an Environmental Summary.

(4) "Plan/EIS documents." Because these documents need to contain sufficient analysis for GMA Actions, the same documents that meet GMA planning needs should constitute the SEPA documents for GMA Actions and should provide a basis for future decisions on projects. An integrated document will constitute the necessary SEPA document, if accompanied by the following (as further specified by 197-11-235 (5)-(7) below):

- (a) Environmental Summary and fact sheet;
  - (b) concise analysis of alternatives;
  - (c) comments and responses; and
  - (d) appropriate technical and other materials.
- (5) "Environmental Summary and fact sheet."

(a) The Environmental Summary includes the contents required in 197-11-440(4). It should emphasize the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made and the effectiveness of mitigation measures. The Summary is not to be a summary of the GMA Action.

(b) The Summary should highlight from an environmental perspective the main options that would be preserved or foreclosed by the proposed GMA Action. It should reflect SEPA's substantive policies and focus on any significant irreversible or irretrievable commitments of natural resources that would be likely to harm long term environmental productivity, taking into account cumulative impacts. A summary of the principal environmental impacts may be presented in chart or matrix form, summarizing the relevant elements of the environment and impact assessment required by 197-11-440 (6)(b)-(e). The Summary may discuss non-environmental factors and should do so if relevant to resolving issues concerning the main environmental choices facing decision makers.

(c) The Summary should be no longer than necessary (generally 15-30 pages for a plan/EIS, less for other integrated documents) and include tables or graphics to assist readability. At a minimum the Fact Sheet shall contain the information required in 197-11-440(2). The Fact Sheet shall precede the Summary in the integrated GMA document.

(6) "Alternatives analysis."

(a) This concise analysis focuses on a comparative evaluation of the environmental consequences of the principal alternative courses of action that are or have been under consideration in the GMA planning process, as provided by 197-11-440(5). The alternatives analysis shall evaluate the proposed GMA Action compared to the principal alternative concepts and plan elements or regulatory options that were considered. These alternatives may be (i) those which are actively being considered, or (ii) those considered and screened earlier as part of a public GMA planning process. This analysis allows decision makers, other agencies and the public to determine whether the proposed GMA Action can or should be revised before adoption to avoid or reduce environmental or other impacts.

(b) Descriptive material on the features of the alternatives (in contrast to comparing their impacts) should be kept to the minimum necessary to understand the comparative evaluation. If more description is necessary, it should be cited or located in the supporting record. Depending on the

scope of the GMA action, the text of the alternatives analysis should be less than 40 pages.

(7) "Comments and responses." The inclusion of comments and responses is not required for a draft integrated GMA document. For a final integrated document, comments (or a summary of comments) shall be compiled and response prepared as provided in 197-11-560(3). A jurisdiction may include comments (or a summary of comments) received during the scoping process or on preliminary documents, as well as general or specific responses to these comments if any have been prepared, with the integrated GMA document on a proposed GMA Action. If this approach is not used, these preliminary comments shall be included in the supporting record.

(8) "Supporting record, analyses, and materials."

(a) The integrated GMA document shall contain a list of the principal analytical documents and other materials (such as meeting minutes, maps, models, tapes or videos) that have been prepared, received, or used in developing the GMA Action. These materials shall be considered to be incorporated by reference under SEPA and part of the supporting record for SEPA compliance, and their contents need not be further described as required in 197-11-635. Annotated lists are encouraged, but not required, to assist current and future reviewers.

(b) Materials in the supporting record should enable agencies and members of the public to identify and review the planning basis for the conclusions and analysis presented in the integrated GMA document as provided in the "procedural criteria" for preparing plan documents.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 94-12-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 94-38—Filed May 25, 1994, 1:12 p.m.]

Date of Adoption: May 24, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000Y and 220-56-38000S; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Interim rules needed until the permanent 1994-1995 sport rules take effect.

Effective Date of Rule: Immediately.

May 24, 1994  
Judith Freeman  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-35000Z Clams other than razor clams — Areas and seasons.** Notwithstanding the provisions of wac 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, borers or mussels taken for personal use from the following tidelands except during the times shown:

(1) Brown Point - Open through August 15.

(2) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams, except those tidelands between a row of tires at Camp Discovery and a second row of tires 2000 feet to the south and except the state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending 1,200 feet to the north are open until further notice.

(3) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

(4) Eagle Creek - Closed until further notice.

(5) Fort Flagler State Park - Open through June 30.

(6) Garrison Bay - All tidelands of Guss Island, and all state and federal tidelands at British Camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed until further notice.

(7) Hope Island State Park (south Puget Sound) - Open through June 15.

(8) Illahee State Park - Closed until further notice.

(9) Kitsap Memorial State Park - Open through June 30.

(10) Kopachuck State Park - Closed until further notice.

(11) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed.

(12) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island then due west to the mainland are closed except the state-owned oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet are open until further notice.

(13) Oak Bay County Park - Open through June 15.

(14) Penrose State Park - Open until further notice

(15) Point Whitney Lagoon - Open June 1 through June 15.

(16) Port Townsend ship canal - Closed until further notice.

(17) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the quilcene Boat Haven to Fisherman's Point are closed.

(18) Rendsland Creek - Open until further notice.

(19) Saltwater State Park - Closed until further notice.

(20) Shine Tidelands State Park - Open until further notice.

- (21) South Indian Island Co. Park - Open until further notice.
- (22) South Lilliwaup - Open through May 31.
- (23) Spencer Spit State Park - Open through June 30
- (24) Triton Cove State Park - Open through June 30.
- (25) West Dewatto (DNR 44A) - Closed until further notice.
- (26) Wolfe Property State Park - Closed until further notice.

**NEW SECTION**

**WAC 220-56-38000T Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following tidelands except during the times shown:

(1) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters, except those tidelands between a row of tires at Camp Discovery and a second row of tires 2000 feet to the south and except the state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending 1,200 feet to the north are open until further notice.

(2) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed.

(3) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed.

(4) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed except the state-owned oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet are open until further notice.

(5) Point Whitney Lagoon - Closed until further notice.

(6) Potlatch East - Open until further notice.

(7) Potlatch State Park - Open through June 30.

(8) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed.

(9) Rendsland Creek - Open through June 30.

(10) Scenic Beach State Park - Open until further notice.

(11) Triton Cove State Park - Open through June 30.

(12) Twanoh State Park - Open through July 31.

(13) West Dewatto (DNR 44A) - Open through June 15. Notwithstanding the provisions of this section, it is lawful for Coast Seafood employees to take oysters from the areas listed herein under the terms of a contract between Coast Seafoods and the Department.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-35000Y Clams other than razor clams—Areas and seasons.
- WAC 220-56-38000S Oysters—Areas and seasons.

**WSR 94-12-054**

**EMERGENCY RULES**

**DEPARTMENT OF ECOLOGY**

[Order 93-31—Filed May 27, 1994, 4:10 p.m.]

Date of Adoption: May 27, 1994.

Purpose: Renew emergency rule to clarify protection for forested bogs and fens.

Citation of Existing Rules Affected by this Order: Amending WAC 173-202-020.

Statutory Authority for Adoption: RCW 90.48.420 and 76.09.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Confusion over ambiguous rule language concerning forested bog and fen protection.

Effective Date of Rule: Immediately.

May 27, 1994  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending WSR 93-11-062, filed 5/13/93, effective 6/13/93)

**WAC 173-202-020 Certain WAC sections adopted by reference.** The following sections of the Washington Administrative Code existing on (~~May 12, 1993~~) April 15, 1994, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-046—Cumulative effect
- WAC 222-12-070—Enforcement policy.
- WAC 222-16-010—General definitions.
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- WAC 222-22-010—Policy.
- WAC 222-22-020—Watershed administrative units.
- WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.
- WAC 222-22-040—Watershed prioritization.
- WAC 222-22-050—Level 1 watershed resource assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.

EMERGENCY

- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.
- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

**WSR 94-12-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 94-42—Filed May 27, 1994, 4:49 p.m., effective May 28, 1994, 11:59 p.m.]

Date of Adoption: May 27, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-25500U; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of halibut in Catch Record Card Areas 3 and 4 has been taken.

Effective Date of Rule: May 28, 1994, 11:59 p.m.

May 27, 1994

Judith Freeman

Deputy

for Robert Turner

Director

**NEW SECTION**

**WAC 220-56-25500V Halibut—Seasons and areas.**

Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 28, 1994 until further notice it is unlawful to fish for or possess halibut taken for personal use except from the following Catch Record Card Areas during the times herein provided:

(1) Areas 1 and 2 - June 2 and June 9.

(2) Area 4 east of the Bonilla-Tatoosh Line and Areas 5 through 13 - Thursday through Tuesday, May 2 through July 5. A halibut catch record card is required for this fishery.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500U Halibut—Seasons and areas. (94-27)

**WSR 94-12-068**  
**EMERGENCY RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**

[Order 637—Filed May 31, 1994, 9:51 a.m., effective June 1, 1994]

Date of Adoption: May 5, 1994.

Purpose: To adopt WAC 232-28-02241 Muzzleloader Area No. 940 Coal Creek.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Washington Fish and Wildlife Commission adopted hunting seasons for 1994 on April 8. A special permit hunt was adopted for Muzzleloader Area 940. A boundary description of this area needs to be adopted to inform hunters of the hunt area.

Effective Date of Rule: June 1, 1994.

May 5, 1994

Patricia McLain

for John C. McGlenn

Chairman

NEW SECTION

**WAC 232-28-02241 Muzzleloader Area No. 940 Coal Creek Muzzleloader Area No. 940 Coal Creek (Skagit County):** Beginning at the point where State Highway 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hanson Creek; then south down Hanson Creek to State Highway 20 to Childs Creek and point of beginning.

**WSR 94-12-069  
EMERGENCY RULES  
FISH AND WILDLIFE  
COMMISSION**

[Order 636—Filed May 31, 1994, 9:53 a.m., effective June 1, 1994]

Date of Adoption: May 5, 1994.

Purpose: To adopt WAC 232-28-24501 Deer private lands wildlife management permit opportunities.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: WAC 232-28-245 1994-95 Deer and elk permit hunting seasons, was adopted by the Fish and Wildlife Commission on April 8, 1994, but has not yet been filed as a permanent regulation. This emergency regulation will supersede information contained in WAC 232-28-245. The method by which some permittees will be chosen for Wilson Creek Private Lands Management Area Hunts Wilson C, D, and E will be by first call/first served, rather than by random computer selection. This change is necessary to avoid confusion among potential applicants.

Effective Date of Rule: June 1, 1994.

May 5, 1994  
Patricia McLain  
for John C. McGlenn  
Chairman

NEW SECTION

**WAC 232-28-24501 Deer private lands wildlife management permit opportunities Wilson Creek Area**

Only hunters possessing modern firearm deer tags and meeting the special restrictions noted for each hunt are eligible for permits on PLWMA 201. There will be up to 20 hunters (Wilson A below) authorized to participate in a special hunt for which an access fee will be charged. You may apply for buck permits (Wilson A) by contacting the landowner at (509) 345-0121. Applications for Wilson B should be through the normal application process. For Wilson C, D, and E, permits are available on a first-call basis. The Region Two office in Ephrata will be taking applications by phone (509) 754-4624 for antlerless permits during July 26-29, 1994. Hunters must purchase hunting

license, modern firearm deer tag, and permit application before calling for permits. Access for Hunts C, D, and E are for one day, scheduled by the landowner. There are no access fees for hunts B, C, D, or E, but the landowner or his representative will accompany all deer hunters on these hunts. All hunters must have a valid hunting license, deer tag, and written authorization from the landowner to participate in these hunts. All other hunting regulations apply.

Hunt No.	Hunt Name	No. Permits	Permit Season	Special Restrictions	Boundary Description
*	Wilson A	20	Oct. 1- Dec. 31	Buck Only	PLWMA 201
1109	Wilson B	2	Oct. 1-31	Buck Only, Young Hunters Only***	PLWMA 201
**	Wilson C	50	Oct. 1- Dec. 31	Antlerless Only, Young Hunters Only***	PLWMA 201
**	Wilson D	10	Oct. 1- Dec. 31	Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only	PLWMA 201
**	Wilson E	10	Oct. 1- Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201

\*No hunt number because hunter must contact landowner, David Stevens, for access.

\*\*No hunt number because hunters must apply by calling the Region Two office in Ephrata (509-754-4624) during July 26-29, 1994.

\*\*\*Applicants must be 16 years old or younger and must be accompanied by an adult during the hunt.

**WSR 94-12-086  
EMERGENCY RULES  
SECRETARY OF STATE  
(Corporations Division)**

[Filed June 1, 1994, 10:32 a.m., effective June 9, 1994]

Date of Adoption: June 1, 1994.

Purpose: To insure fee collection as authorized in SSSB 6276 of the 1994 legislature.

Citation of Existing Rules Affected by this Order: Amending chapter 434-110 WAC.

Statutory Authority for Adoption: Chapters 19.77 and 43.07 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The legislature has given the secretary the authority to set fees for trademark registration. In order to carry out that responsibility, emergency rules need to be set, while permanent rules are being given to the public for comment and final adoption.

Effective Date of Rule: June 9, 1994.

June 1, 1994  
Donald F. Whiting  
Assistant Secretary

EMERGENCY



AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

**WAC 434-110-070 Fees.** (1) For Washington registered profit domestic and foreign corporations fees are as follows:

(a) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(b) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars.

(c) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(d) Articles of merger or exchange, twenty-dollars for each listed company;

(e) Resignation of registered agent, twenty dollars;

(f) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(g) Registration, reservation, or transfer of name, thirty dollars;

(h) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(i) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(j) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign nonprofit corporations, nonprofit miscellaneous and mutual corporations, and building corporations fees, when applicable, are as follows:

(a) Articles of amendment, restatement, or correction, twenty dollars;

(b) Articles of dissolution or certificate of withdrawal, no fee;

(c) Revocation of dissolution, twenty dollars;

(d) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five dollar penalty;

(e) Articles of merger or exchange, twenty dollars for each listed corporation;

(f) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(g) Resignation of registered agent, twenty dollars;

(h) Registration, reservation, or transfer of reservation of name, twenty dollars;

(i) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(j) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a six-year registration or renewal, fifty dollars;

(b) For recording the assignment of a trademark and its registration or application for registration, thirty dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 94-01-074, filed 12/9/93, effective 1/10/94)

**WAC 434-110-075 Miscellaneous fees.** (1) For photocopies, fees are as follows:

(a) Each annual report, five-dollars;

(b) Articles of incorporation or any single document, ten dollars;

(c) Amendments to articles and mergers, twenty dollars;

(d) All charter documents, thirty dollars;

(e) All trademark registrations, assignments, or cancellations, fifty cents per page;

(f) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty-dollars;

(b) Computer generated, under embossed seal, twenty-dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten-dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.



**WSR 94-11-013**  
**PERMANENT RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**  
 [Filed May 5, 1994, 3:32 p.m.]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

**CERTIFICATE AND ORDER**  
**FOR FILING**  
**PERMANENT**  
**ADMINISTRATIVE RULES WITH THE OFFICE OF THE CODE**  
**REVISER**

I hereby certify that the copy shown below is a true, full and correct copy of permanent rule(s) adopted on April 26, 1994, by the Columbia River Gorge Commission to become effective May 16, 1994.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of intended action published in code reviser's register.

Now therefore, it is hereby ordered that the following action to be taken: Adopted 350-60, Appeals from decisions under county ordinances as administrative rules of the Columbia River Gorge Commission.

Dated this 3rd day of May, 1994.

Statutory Authority: RCW 43.97.015 to 43.97.035, chapter 499, Laws of 1987.

For Further Information Contact: Jan Brending, Rules Coordinator, (509) 493-3323.

**Summary:** The rule sets forth the process in which an affected party may appeal to the Columbia River Gorge Commission a decision made by a county governing body implementing the Columbia River Gorge national scenic area management plan through county land use ordinances. The commission is the proponent of the proposed rule.

**Statement of Need:** The National Scenic Area Act contemplates the gorge commission shall act in an appellate role once land use ordinances have been adopted by counties in the gorge or, when the gorge commission has adopted such ordinances to implement the act. The public needs a detailed process for appeals to the Columbia River Gorge Commission.

**Statutory Authority:** Authority to adopt the rule as proposed derives from the Scenic Area Act (16 U.S.C. § 544 et seq.) and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196.150 and RCW 43.97.015. The proposed rule is necessary as a result of federal law, 16 U.S.C § 544 et seq. as well as state law.

**Statute or Law Rule Implements:** The proposed rule is necessary to implement the Scenic Area Act (16 U.S.C. § 544 et seq.) and the Columbia River Compact, Article I, Section a(4)(g), at ORS 196-150 and RCW 43.97.015.

**Documents Relied Upon:** The proposed rule is based on the Columbia River Gorge national scenic area management plan and the National Scenic Area Act (16 U.S.C § 544 et

seq.). Copies of these documents are available at the Columbia River Gorge Commission office.

**Statement of Anticipated Effects:** The proposed rule provides an appeal process from decisions made by a county governing body in implementing the management plan for the Columbia River Gorge National Scenic Area Act through land use ordinances as required by the National Scenic Area Act.

**Fiscal Impact Statement:** The proposed rule will not have an adverse fiscal impact on the public or local government. The rule provides a process for appeals from decisions of a county governing body which will ensure an efficient review process consistent with the act.

**Advisory Body:** The proposed rule was not reviewed by an advisory body specifically appointed to review rules developed by the commission. However, the commission has gone through a process whereby the rule was submitted to interested parties, including both states and six counties, for their comments. Two workshops were held with interested parties to obtain input on the rule and a workshop was held with the commission to obtain its input. Because the commission has chosen to use a workshop type format and solicit comments prior to filing the rule for rulemaking it feels the use of an advisory body review is not necessary.

Jonathan Doherty  
Executive Director

**COLUMBIA RIVER GORGE COMMISSION**  
**Chapter 350**  
**Division 60**  
**Appeals From County Ordinances**

**350-60-000. Purpose.**

The purpose of this division is to define the process and standards used by the Columbia River Gorge Commission in hearing appeals from decisions relating to the implementation of the Columbia River Gorge National Scenic Area Act ("National Scenic Act" or "Act"). The rule applies to appeals from decisions under a county ordinance consistent with the Act.

**350-60-010. Authority.**

The National Scenic Act authorizes appeals to the Gorge Commission by a person or entity adversely affected by a final action or order of a county.

**350-60-020. Scope.**

**Scope of Rules:** All proceedings commenced by Notice of Intent to Appeal and Petition shall be governed by these rules.

Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.

**350-60-030. Application.**

These rules are intended to promote the efficient review of land use decisions in accordance with the National Scenic Act while affording all interested persons reasonable notice and opportunity to intervene, reasonable time to prepare and submit their cases, and a full and fair hearing. The rules

shall be interpreted to carry out these objectives and to promote justice.

**350-60-040. Definitions.**

In these rules, unless the context or subject matter requires otherwise:

(1) "Applicant" means the person who requested that the governing body take an action which resulted in a land use decision.

(2) "Commission" means the Columbia River Gorge Commission or any member thereof.

(3) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.

(4) "Days" means calendar days.

(5) "File" means to deliver to Commission offices by personal delivery or by mail, not by fax. To be considered filed, a document must be received at Commission offices by 5:00 p.m.

(6) "Final decision": A decision is final when it is reduced to writing and bears the necessary signatures of the governing body decisionmaker(s).

(7) "Governing body" means a county governing body.

(8) "Land use decision" means a final decision by the governing body of a county in the National Scenic Area based on the National Scenic Act.

(9) "Notice" means the Notice of Intent to Appeal and Petition and refers to the document which must be filed with the Commission in order to begin a review proceeding.

(10) "Party" means the petitioner, the applicant if different from the petitioner, the governing body, and any person who intervenes.

(11) "Transmit" means to send with the United States Postal Service by first class mail or to deliver in person.

**350-60-050. Notice of Intent to Appeal and Petition.**

(1) Filing: The Notice of Intent to Appeal and Petition shall be filed with the Commission on or before the 30th day after the date the decision sought to be reviewed becomes final. A Notice filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be filed with the Commission and served on the governing body, the governing body's legal counsel, and all persons identified in the Notice as required by subsection (3)(f) of this rule on or before the date the Notice of Intent to Appeal and Petition is required to be filed.

(3) Contents of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be substantially in the form set forth in Exhibit 1 and shall contain:

(a) A caption which sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as petitioner(s), and the name of the governing body, identifying the governing body as respondent;

(b) Below the caption the heading "Notice of Intent to Appeal and Petition";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the decision to be reviewed:

(f) The name, address and telephone number of each of the following:

(A) The Petitioner. If the petitioner is not represented by an attorney, the petitioner's name, address and telephone number shall be included. If an attorney represents the petitioner, the attorney's name, address and telephone number shall be substituted for that of the petitioner. If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead petitioner.

(B) The governing body and the governing body's legal counsel;

(C) The applicant, if any (and if other than the petitioner). If an applicant was represented by an attorney before the governing body, the applicant's address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(D) Any other person to whom written notice of the land use decision was mailed as shown on the governing body's records. The telephone number may be omitted for any such person.

(g) A statement advising all persons, other than the governing body, that in order to participate in the review proceeding a person must file a motion to intervene pursuant to 350-60-140.

(h) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission.

**350-60-060. Record.**

(1) Contents of Record: The record shall include the following:

(a) The final decision including findings of fact and conclusions of law;

(b) All transcripts, testimony and all exhibits, maps, documents or other written materials included as part of the record during the course of the governing body's proceeding;

(c) Minutes of the meetings conducted by the governing body as required by law. A verbatim transcript of audiotape recordings shall not be required, but if a transcript has been prepared, it shall be included.

(2) Transmittal of Record: The governing body shall within 30 days after service of the Notice on the governing body, transmit to the Commission the original or a certified copy, and two copies of the record of the proceeding under review. The governing body may, however, retain any large maps or documents which are difficult to duplicate, until the date of oral argument.

(3) Service of Record: Contemporaneously with transmittal, the governing body shall serve a copy of the record, exclusive of large maps and other documents which are difficult to duplicate, on the petitioner or the lead petitioner, if one is designated, and all other parties.

(4) Specifications of Record:

(a) The record shall:

(A) Be filed in a suitable folder; the cover shall bear the title of the case as it appears in the Notice, and the Commission's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the governing body;

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (see Exhibit 2), and listing each large map or document retained by the governing body under subsection (2) of this rule;

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(b) A record which does not conform to the preceding requirements shall not be accepted by the Commission.

#### **350-60-070. Objections to the Record.**

(1) Before filing an objection to the record, a party shall attempt to resolve the matter with the governing body's legal counsel. If the governing body amends the record in response to an objection, the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.

(2) An objection to the record shall be filed with the Commission within 10 days following service of the record on the person filing the objection. Objections may be made on the following grounds:

(a) The record does not include all materials included as part of the record during the proceedings before the governing body. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included as part of the record during the proceedings before the governing body. The item(s) not included as part of the record during the proceedings before the governing body shall be specified, as well as the basis for the claim that the item(s) are not part of the record.

(c) The minutes do not accurately reflect the proceedings, or the transcripts of the meetings or hearings are incomplete.

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Commission shall require the governing body to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is in an audiotape recording, a transcript of the relevant portion shall be submitted.

(4) The Commission may conduct a telephone conference with the parties to consider any objections to the record.

(5) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Commission shall issue a letter or order declaring the record settled and setting forth the schedule for subsequent events. Unless otherwise provided by the Commission, the date of the Commission's letter or order shall be deemed the date of receipt of the record for purposes of computing subsequent time limits.

#### **350-60-080. Request for Review.**

(1) Filing and Service of Request: The Request for Review shall be filed with the Commission within 30 days after the date the record is received by the Commission. The Request shall also be served on the governing body and any party who has filed a motion to intervene. Failure to file a Request for Review within the time required by this section shall result in dismissal of the appeal.

(2) Specifications of Request: The Request for Review shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer Request is given by the Commission. If a Request for Review exceeding the 50 page limit is filed without permission, the Commission shall notify the author, and a revised brief satisfying the 50 pages limit shall be filed within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of all parties unrepresented by attorney. If a party is represented by an attorney, the name, address and telephone number of the attorney shall be substituted for the party. If there is more than one petitioner, the cover page shall specify the petitioner(s) filing the Request. An intervenor shall be designated as either petitioner or respondent.

(d) Be typewritten, in pica type, and double spaced;

(e) Be signed on the last page by the author.

(3) Contents of Request: The Request for Review shall

(a) State the facts that establish petitioner's standing;

(b) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by petitioner;

(B) A summary of the arguments appearing under the assignments of error in the body of the Request;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found.

(c) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(d) Set forth each assignment of error under a separate heading. Where several assignments of error present essentially the same legal questions, the argument in support of those assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(f) Contain a copy of any management plan provisions, comprehensive plan provision, ordinance or other provision of local law cited in the Request, unless the provision is quoted verbatim in the Request.

#### **350-60-090. Special Request Review Process.**

(1) Where the petitioner contends the land use decision eliminates all economic or beneficial use of the property, the petitioner must meet the requirements for request for review in Rule 350-60-080 and the requirements for Special Request for Review as follows:

(a) Set out the pertinent portions of the ordinance that apply;

(b) Describe how the ordinance impacts the use of the property;

(c) Attach copies of any documents (maps, deeds, easements, etc.) that are relevant; and

(d) Explain why the requested use must be allowed to provide economic or beneficial use of the property.

(2) All other parties shall have the opportunity to specifically respond to the petitioner's request under this section in their briefs and the development review officer designated by the Executive Director shall also respond.

(3) The Commission, in its "Final Opinion and Order", shall

(a) Address the subject of economic or beneficial use in its findings of fact and conclusions.

(b) Specify the factual and/or legal principles relied on in support of the decision.

(c) Where appropriate, propose options for use for the property owner, or other options available to the petitioner consistent with the ordinance.

(d) Where the Commission finds that enforcement of the land use ordinance will deprive the landowner of all economic or beneficial use of the property, the Commission shall remand the matter to the county for the county to allow a use as provided for by the order of the Commission. The economic or beneficial use allowed shall be the use that on balance best protects the affected resources. This section applies:

(A) if the Forest Service or the federal government does not provide just compensation for a Special Management Area designation it made; or

(B) for a General Management Area designation made by the Gorge Commission.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

### **350-60-100. Respondent's Brief.**

(1) Filing and Service of Brief: Respondent's brief shall be filed within 50 days after the date the record is received by the Commission. A copy of the respondent's brief shall be served on the petitioner or lead petitioner and all intervenors.

(2) Specifications of Brief: Respondent's brief shall conform to the specifications of the Request for Review, except that the brief shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.

#### **(3) Contents of Brief:**

(a) The respondent's brief shall follow the form prescribed for the Request for Review. The respondent shall specifically accept the petitioner's statement of the case or shall cite any alleged omissions or inaccuracies therein, and may state additional relevant facts or other matters. The statement shall be in narrative form with citations to the pages of the record where support for the facts alleged can be found.

(b) Respondent shall accept or challenge petitioner's statement of the Commission's jurisdiction and petitioner's statement of standing. The basis for any challenge shall be stated. If respondent contends that the facts alleged by petitioner in support of standing are not true, respondent shall specify which allegations are contested.

### **350-60-110. Reply Brief.**

A reply brief may not be filed.

### **350-60-120. Oral Argument.**

(1) The hearing before the Commission shall be on the record submitted by the county, as long as the county has based its decision upon a record made at an adjudicative hearing open to participation by persons adversely affected or aggrieved.

(2) If the county did not base its decision upon a record made in an adjudicated hearing open to participation by persons adversely affected or aggrieved, then anyone adversely affected or aggrieved may participate in a hearing before the Commission.

(3) Only parties who have submitted briefs shall be allowed to present oral argument to the Commission.

(4) If a party waives the right to present oral argument, the Commission shall consider the case based on that party's brief and the brief and oral arguments presented by other parties. The parties may, with consent of the Commission, stipulate to submit a case to the Commission on briefs without oral argument.

(5) The Commission shall inform the parties of the time and place of oral argument. Unless the Commission otherwise orders, petitioner(s) shall be allowed 30 minutes for oral argument, which may be divided between the initial presentation and rebuttal. Multiple petitioners shall share the thirty minutes for argument. The respondent(s) shall be allowed 30 minutes to respond. The Commission shall tape record all arguments, but any party may also arrange at its own expense to record the argument in the same or other manner.

### **350-60-130. Procedural Orders.**

The chair of the Commission or presiding officer designated by the chair shall issue procedural orders on behalf of the Commission relating to case setting, requests for intervention, preliminary motions, and other procedural matters.

### **350-60-140. Appearance of Fairness; Ex Parte Contacts**

(1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under these rules.

(2) Members of the Commission shall not have ex parte contact with applicants or interested parties seeking land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Scenic Area.

(3) Members of the Commission shall place on the record of the appeal or proceedings under these rules any ex parte contact set forth in subsection (2). The Chair or presiding officer shall notify all parties to the appeal or proceeding. The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may, in the alternative, request the member of the Commission step down from hearing the matter.

**350-60-150. Evidentiary Hearings.**

(1) **Grounds for Hearing:** The Commission may, upon written motion, conduct an evidentiary hearing in the case of disputed allegations in the parties' briefs concerning standing, ex parte contacts or other procedural irregularities not shown in the record and which, if proved, would warrant reversal or remand of the decision. An evidentiary hearing may also be held upon motion or at the direction of the Commission to consider disputes regarding the content of the record or requests for stays.

(2) **Motions for Hearings:** A motion for an evidentiary hearing shall be filed with the Commission and served on all parties 60 days in advance of oral argument. The motion shall contain a statement explaining with particularity what facts the moving party will present at the hearing and how those facts will affect the outcome of the review proceeding. Whenever possible such facts shall be presented by affidavit with the motion.

(3) **Conduct of hearing:**

(a) Insofar as the Commission finds it practical, the hearing shall be conducted in the following order:

(A) The moving party shall present its evidence including that of any witnesses;

(B) The other party(ies) shall have the opportunity to present evidence disputing that of the moving party;

(C) The moving party shall present rebuttal evidence;

(b) Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any witness;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing, and may set time limits for any hearing;

(f) Exhibits shall be marked to identify the party offering the exhibits. The exhibits shall be preserved by the Commission as part of the record.

(4) **Evidentiary Rules:**

(a) Evidence of a type commonly relied upon reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

(5) **Prehearing Conference:** The Commission, on its own motion or at the request of any party, may call a prehearing conference to consider:

(a) Simplification of the issues;

(b) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

(c) Limitation of the number of witnesses;

(d) The form and substance of any prehearing order;

(e) Such other matters as may aid in the disposition of the appeal.

(6) **Proposed Prehearing Order:** The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:

(a) A statement of contentions of law of each party;

(b) A concise statement of all contentions of fact to be proved by each party;

(c) A statement of all agreed facts;

(d) A list of witnesses and a summary of their testimony;

(e) A list of exhibits and a statement of the contents of each;

(f) Such other matters as the Commission may require in order to expedite the hearing and appeal.

(7) **Effect on Time Limits:** The filing of a motion for evidentiary hearing shall suspend the time limits for all other events in the review proceedings, including the issuance of the Commission's final order. If the Commission grants an evidentiary hearing, the time limits for other events shall remain suspended until the close of the hearing. Unless the parties agree otherwise, the Commission shall schedule any evidentiary hearing after the order granting the motion for evidentiary hearing is issued. If the Commission denies a motion for an evidentiary hearing, the time for all other events will begin to run on the date the Commission issues its order denying the motion, or on such other date as is specified in that order.

(8) **Depositions:** On petition of any party at least 14 days before an evidentiary hearing, the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(a) The name and address of the witness whose testimony is desired;

(b) A showing of relevance and materiality of the testimony;

(c) A request for an order that the testimony of the witness be taken.

(9) **Subpoenas:** If the Commission orders an evidentiary hearing, the Commission shall issue subpoenas to any party to the appeal upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence. Subpoenas may also be issued under the signature of the attorney of record of a party. Witnesses appearing pursuant to subpoena, other than parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

**350-60-160. Intervention.**

(1) **Standing to Intervene:** The applicant and any person who appeared before the county may intervene in a review proceeding before the Commission. Status as an intervenor shall be recognized when a motion to intervene is filed.

(2) If the county review process is not open to persons adversely affected or aggrieved, any person adversely affected or aggrieved may intervene in a review proceeding before the Commission.

(3) **Motion to Intervene:** In the interests of promoting timely resolution of appeals, a motion to intervene shall be filed as soon as is practicable after the Notice of Intent to Appeal and Petition is filed pursuant to 350-60-050. The motion to intervene (exhibit 3) shall:

(a) State whether the party is intervening on the side of the petitioner or the respondent;

(b) State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Be served upon the Commission and all parties.

(4) **Intervenor's Brief:**

(a) If intervention is sought as a petitioner, the brief shall be filed within the time limit for filing the Request for Review, and shall satisfy the requirements for a Request for Review in 350-60-080.

(b) If intervention is sought as a respondent, the brief shall be filed within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-60-100.

(5) Objections to a motion to intervene shall be filed within 7 days of the motion.

#### **350-60-170. Amicus Participation.**

(1) A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.

(2) Appearance as amicus shall be by brief only, unless the Commission specifically requests oral argument. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be filed within the time required for filing respondent's brief. An amicus brief shall be submitted at the time the respondent's brief is due unless a later date is authorized by the Commission. No filing fee is required. An amicus brief shall have a green cover.

#### **350-60-180. Consolidation.**

The Commission, at the request of any party or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

#### **350-60-190. Extensions of Time.**

(1) In no event shall the time limit for the filing of the Notice of Intent to Appeal and Petition be extended.

(2) In no event shall the time limit for the filing of the Request for Review be extended without the written consent of all parties.

(3) All other time limits may be extended upon written consent of all parties, the Commission's motion or motion of a party.

(4) A motion for extension of time shall state the reasons for granting the extension and must be filed with the Commission within the time required for performance of the act for which an extension of time is requested.

(5) Any agreement by the parties for an extension of time shall automatically extend the time for issuance of the

Commission's final order by an amount of time equal to the extension agreed to by the parties.

(6) In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

#### **350-60-200. Stays.**

(1) A motion for a stay of a land use decision shall include:

(a) A statement setting forth movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) A copy of a motion for stay shall be served on the governing body and the applicant for the land use decision, if any, on the same day the motion is filed with the Commission.

(3) Unless otherwise ordered by the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Commission shall base its decision on the stay, including the right to a stay, or conditions of any stay order, upon evidence presented. Evidence may be attached to the motion in the form of affidavits, documents or other materials, or presented at an evidentiary hearing which may be convened at the discretion of the Commission and follow the process in 350-60-130.

#### **350-60-210. Final Order of Commission.**

(1) An Order of the Commission is final when the cover page of the order containing the caption of the appeal:

(a) States "Final Opinion and Order";

(b) Contains findings of fact and conclusions of law or incorporates them from the record below.

(c) Addresses the Special Request for Review Process under Rule 350-60-090, where applicable.

(d) Indicates whether the decision being reviewed is dismissed, affirmed, reversed or remanded;

(e) Contains the date of the final order; and

(f) Is date stamped by the Commission.

(2) The order shall be mailed to all parties.

(3) When an order of the Commission becomes final it shall be made available to interested members of the public. The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.

(4) Notwithstanding subsections (1)(a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.



**350-60-220. Reversal or Remand of Land Use**

**Decisions.**

- (1) The Commission shall reverse or remand a land use decision for further proceedings when:
  - (a) The governing body exceeded its jurisdiction;
  - (b) The decision is unconstitutional;
  - (c) The decision violates a provision of applicable law and is prohibited as a matter of law; or
  - (d) The decision was clearly erroneous or arbitrary and capricious.
  - (e) The findings are insufficient to support the decision;
  - (f) The decision is not supported by substantial evidence in the whole record;
  - (g) The decision is flawed by procedural errors that prejudice the substantial rights of the petitioner(s);
  - (h) The decision improperly construes the applicable law; or
  - (i) A remand is required pursuant to 360-60-090 (2)(d).

**350-60-230. Reconsideration.**

- (1) Reconsideration is only permitted as follows:
  - (a) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested and serving it on the Gorge Commission and all parties to the appeal.
    - (A) No petition for reconsideration may stay the effectiveness of an order.
    - (B) If a petition for reconsideration is timely filed, the time for filing a petition for judicial review does not commence until the agency disposes of the petition for reconsideration. The agency is deemed to have denied the petition for reconsideration if, within thirty days from the date the petition is filed, the agency does not either:
      - (i) Dispose of the petition; or
      - (ii) serve the parties with a written notice specifying the date by which it will act on the petition.
    - (b) Any party to the appeal may file a response within ten days of service of the petition.
    - (c) The following factors must be present for reconsideration:
      - (A) An error has been made in the decision; and,
      - (B) New information is now available concerning the error which through due diligence could not have been acquired earlier.
    - (d) Unless the petition for reconsideration is deemed denied under subsection (a) above, the petition shall be disposed of by the Commissioners who entered the order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further consideration without oral argument. Granting the petition for reconsideration shall require approval of two-thirds of the Commissioners who made the original decision. Once granted, subsequent dissolution or modification of the original decision/order requires a majority of the Commissioners who made the original decision.
    - (e) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. An order denying reconsideration, or a notice provided for in subsection (b) of this section is not subject to judicial review.

EXHIBIT 1  
(350-60-050)

BEFORE THE  
COLUMBIA RIVER GORGE COMMISSION

Jane Clark, )  
 )  
 Petitioner, )  
 )  
 vs. ) CRGC No.  
 )  
 Tahoma County, )  
 )  
 Respondent. )

NOTICE OF INTENT TO APPEAL AND PETITION

I.

Notice is hereby given that petitioner intends to appeal that land use decision of respondent entitled [INDICATE TITLE OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

II.

Petitioner, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Respondent, Tahoma County, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Tahoma County, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBER OF ALL PERSONS WHOM THE GOVERNING BODY'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED].

NOTICE:

Anyone designated in paragraph III of this Notice who desires to participate as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding as required by CR 350-60-140.

\_\_\_\_\_  
Petitioner (each petitioner must sign)

or

\_\_\_\_\_  
Attorney for Petitioner(s)

MISCELLANEOUS

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-60-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

EXHIBIT 2  
(350-60-060)

TABLE OF CONTENTS  
OF RECORD

<u>ITEM</u>	<u>PAGE</u>
1. Certified cover sheet for County record of PC file Nos. 7517 PA: Application of QFC Inc. for a permit for a subdivision . . . . .	1
2. Record of County action on appeal of QFC Inc. from Hearings Officer's decision denying QFC Inc. proposal . . . . .	2
3. Record of County action on proposed findings to grant appeal of QFC Inc. and approved QFC proposal . . . . .	3
4. Letter from a County to QFC Inc. transmitting a form letter mailed to parties of interest concerning the QFC Inc. application and transmitting a copy of a notice published in the Oregonian on Sunday, June 7 and Wednesday, June 11, 1986 . . . . .	4
5. Notice of final decision on QFC Inc. appeal and notice published in the Oregonian on Sunday, June 7, 1986 and Wednesday, June 11, 1986 . . . . .	5
6. Form letter from County to interested parties, dated June 6, 1986, transmitting a copy of permit No. 158347, and a list of persons to whom form letter was mailed	6
7. Letter from County to Oregon Department of Transportation dated June 5, 1986, transmitting a copy of Permit No. 158573 . . . . .	13
8. Letter from County to QFC Inc., dated June 5, 1986, transmitting a copy of Permit No. 158573 . . . . .	14
9. Letter from County to QFC Inc. dated June 5, 1986, transmitting a copy of Permit No. 158573 . . . . .	15
10. Permit No. 158573, adopted on June 4, 1986 . . . . .	16

EXHIBIT 3  
(350-60-160)

BEFORE THE  
COLUMBIA RIVER GORGE COMMISSION

Jane Clark, )  
 )  
 Petitioner, )  
 )  
 vs. ) CRGC No.  
 )  
 Tahoma County, )  
 )  
 Respondent. )

MOTION TO INTERVENE

I.

John Smith moves to intervene on the side of (a) Petitioner or (b) Respondent [INDICATE WHICH] in the above-captioned appeal. Mr. Smith's (or his attorney's) address and phone number are as follows: [INDICATE ADDRESS AND PHONE NUMBER].

II.

The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].

III. [OPTIONAL]

In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.

Date	John Smith
	or
	Barbara Neil, Attorney for John Smith

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 4 and 5.]

EXHIBIT 4

CERTIFICATE OF FILING  
[For Document Other Than  
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

EXHIBIT 5

CERTIFICATE OF SERVICE  
[For Document Other Than  
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first class mail or (b) personal delivery [INDICATE WHICH] on the following persons: [LIST NAME AND ADDRESS OF EACH PARTY OR THE PARTY'S ATTORNEY].

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

MISCELLANEOUS

**WSR 94-12-013**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 94-06]

**ESTABLISHING THE FAMILY POLICY COUNCIL**  
**ADVISORY COMMITTEE**

**WHEREAS**, Chapter 7, Laws of 1994, First Special Session (Engrossed Second Substitute House Bill 2319) provides for the restructuring of Washington state's family services system; and

**WHEREAS**, the purpose of restructuring the family services system is to improve outcomes for our children, youth, and families by moving toward a system that is collaborative, locally managed, and outcome-based; and

**WHEREAS**, the Washington State Family Policy Council has been given the responsibility at the state level for implementing family services restructuring; and

**WHEREAS**, the successful implementation of family services restructuring will require high levels of communication and coordination among a diverse array of governmental and stakeholder interests;

**NOW, THEREFORE**, I, Mike Lowry, Governor of the State of Washington, do hereby authorize the creation of the Washington State Family Policy Council Advisory Committee:

**I. Formation of Advisory Committee and Membership:**

- A. The committee shall comprise at least 18 members, but not more than 23 members, of which a majority shall constitute a quorum. Members shall be appointed by the Family Policy Council. A chairperson shall be designated by the members of the committee. The term of the membership shall be three years, with the exception that initial appointments shall be staggered to assure continuity of the committee: one third shall be appointed for a one-year term; one third shall be appointed for a two-year term; and one third shall be appointed for a three-year term. If a member resigns before completing a term, the council may appoint a new member to serve out the remainder of that term.
- B. To achieve balanced membership on the committee, the council shall make appointments considering geographic representation, gender, ethnic and cultural diversity, as well as individuals with disabilities.
- C. The committee shall include: at least two chief executive officers of major Washington state corporations; at least two members, one each from the eastern and western areas of the state, of local Community Public Health and Safety Networks; and, at least one youth.
- D. In addition, the committee shall include at least one member who has relevant experience in one of each of the following areas:
  1. City or township government;
  2. County government;

3. Federally recognized Indian tribes;
4. School districts;
5. Existing children's commissions;
6. Law enforcement;
7. Superior courts;
8. Public parks and recreation programs;
9. Private agency service providers;
10. Community organizations not associated with the delivery and services affected by E2SHB 2319;
11. Juvenile justice;
12. Labor organizations; and
13. Youth training and employment.

**II. Role of the Committee:**

- A. To review, analyze, and advise the Family Policy Council on its responsibilities under E2SHB 2319;
- B. To advise the council regarding its biennial review and recommendations on federal and state programs as provided in section 308 of the legislation;
- C. To advise the council on the establishment of network boundaries;
- D. To review and comment to the council on its role relative to the establishment of risk and protective factors; and
- E. To perform other functions and duties related to family services restructuring as requested by the council.

**III. Meetings and other Business:**

- A. The committee shall convene at the request of the Family Policy Council, and not less than four times a year.
- B. The Department of Social and Health Services, in collaboration with the other state agencies represented on the council, shall develop a plan for the provision of such resources as may be necessary to carry out the functions of the committee.
- C. Members may be reimbursed for the reasonable and necessary expenses of attending committee meetings and performing committee duties.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 17th day of May, A.D., nineteen hundred and ninety-four.

Mike Lowry  
 Governor of Washington

**BY THE GOVERNOR:**

Ralph Munro  
 Secretary of State

**WSR 94-12-020**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE GOVERNOR**  
(Clemency and Pardons Board)  
[Memorandum—May 23, 1994]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following special meeting notice: A special meeting of the board has been set for May 25, 1994, at 9:30 a.m. in Senate Hearing Room 4 located in the John A. Cherberg Building in Olympia for the purpose of reviewing a petition for commutation of death sentence submitted by Charles Campbell.

**WSR 94-12-023**  
**NOTICE OF PUBLIC MEETINGS**  
**ADULT EDUCATION**  
**ADVISORY COUNCIL**  
[Memorandum—May 24, 1994]

The Adult Education Advisory Council will be meeting in a study session: May 27, 1994, 8:30 a.m. - 4:00 p.m., Boeing Tukwila.

The council will be discussing the following policy papers: Background to the issues; goals and outcomes; and priorities for service.

Reasonable accommodations for persons with disabilities will be provided if requests are made prior to the event. Efforts will be made to accommodate late requests.

**WSR 94-12-031**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Memorandum—May 24, 1994]

The July 5, 1994, meeting of the Board of Natural Resources will be held beginning at 9 a.m. at the Cedar's Inn, #1 Apple Way in Okanogan, WA.

**WSR 94-12-037**  
**NOTICE OF PUBLIC MEETINGS**  
**COLUMBIA BASIN COLLEGE**  
[Memorandum—May 23, 1994]

The Columbia Basin College board of trustees meets on the first Monday of each month at 4 p.m. in the CBC Board Room. Exception to the first Monday meeting is September. Due to the Labor Day holiday, the board of trustees will meet Tuesday, September 6, 1994.

The meeting dates for 1994 are:

- January 3, 1994
- February 7, 1994
- March 7, 1994
- April 4, 1994
- May 2, 1994
- June 6, 1994

- July 11, 1994
- August - No meeting
- September 6, 1994
- October 3, 1994
- November 7, 1994
- December 5, 1994

Future schedules of board of trustees meeting dates will be sent to your office by December 15 each year.

**WSR 94-12-040**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**INFORMATION SERVICES**  
[Memorandum—May 24, 1994]

The Information Services Board meeting dates for the rest of 1994 are: July 6, September 28, and November 30, 1994. The locations are yet to be determined.

**WSR 94-12-047**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
(Title and Registration Advisory Committee)  
[Memorandum—May 26, 1994]

Following is the public meeting notice for the Title and Registration Advisory Committee (TRAC):

- DATE: June 27, 1994
- TIME: 1:30 p.m. to 3:30 p.m.
- PLACE: GFP Board Room  
SeaTac Airport  
17801 Pacific Highway South  
Main Terminal 5110  
SeaTac, WA

**WSR 94-12-073**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
[Memorandum—May 31, 1994]

The June 1994 Washington State Transportation Commission meetings have been changed from June 15 and 16 and will now be held at 1:00 p.m. on Monday, June 13, and 9:00 a.m. on Tuesday, June 14, 1994, at the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA. There will be committee meetings at 9:00 a.m., Monday, June 13, at the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA.

The commission will hold a TRANS 2000 and budget workshop on Monday, June 20, 1994, from 9:00 to 4:00 p.m. in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington.

The July 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Tuesday, July 12, and 9:00 a.m. on Wednesday, July 12, 1994, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at

MISCELLANEOUS

9:00 a.m., Tuesday, July 12, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

**WSR 94-12-074**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Memorandum—May 26, 1994]

At their last board meeting, the members of our board of trustees elected to change their June meeting from June 15 to June 22, 1994. The meeting will begin at 1:00 p.m. rather than the usual time of 10:30 a.m.

**WSR 94-12-084**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**

[Memorandum—June 1, 1994]

The Washington State Department of Ecology will be conducting a public hearing on July 7, 1994, at the Department of Ecology's Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, WA, at 7:00 p.m. The hearing is being conducted to solicit public comment on contingency measures being proposed for adoption into the Puget Sound carbon monoxide state implementation plan (SIP); and their submission to the Environmental Protection Agency.

Interested persons are encouraged to provide oral comments at the hearing. Written comments will be considered if postmarked no later than July 8, 1994. Comments should be addressed to Gary Idleburg, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. For information on the SIP submittal prior to the hearing, please contact Gary Idleburg at (206) 407-6868.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock, (206) 407-6860 (voice) or (206) 407-6006 (TDD).

**WSR 94-12-091**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Memorandum—June 1, 1994]

The Board of Natural Resources (BNR) will meet on July 5, 1994, in Conference Room 172 of the Natural Resources Building, Olympia, Washington beginning at 9 a.m.

Please cancel the memorandum dated May 24, 1994, stating that the BNR would meet at the Cedar's Inn in Okanogan, Washington on July 5, 1994.

Please contact Jane Rushford at 902-1002 if you have any questions.

**WSR 94-12-094**  
**ATTORNEY GENERAL OPINION**

[June 1, 1994]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by June 30, 1994. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by June 30, 1994, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion requests:

94-5-7 Request by Senator Linda Smith

Questions regarding whether L&I's prohibition of tape recording of medical examinations is (1) statutorily authorized, (2) within the power of L&I to promulgate and enforce, and (3) inconsistent with any provisions of statute.

94-5-8 Request by Senator James West

Questions regarding whether faculty of institutions of higher education can engage in collective bargaining.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-21-010	AMD-P	94-09-045	16-219-017	NEW-P	94-05-092	16-304-130	AMD-P	94-09-046
1-21-010	AMD	94-12-075	16-219-017	NEW	94-09-028	16-304-130	AMD	94-12-046
1-21-170	AMD-P	94-09-045	16-219-018	NEW-P	94-05-092	16-313-015	AMD-P	94-09-046
1-21-170	AMD	94-12-075	16-219-018	NEW	94-09-028	16-313-015	AMD	94-12-046
4-25-185	REP	94-02-070	16-219-020	AMD-P	94-05-092	16-313-035	AMD-P	94-09-046
4-25-186	REP	94-02-070	16-219-020	AMD	94-09-028	16-313-035	AMD	94-12-046
4-25-187	REP	94-02-070	16-219-022	NEW-P	94-05-092	16-316-0901	AMD-P	94-09-046
4-25-188	REP	94-02-070	16-219-022	NEW	94-09-028	16-316-0901	AMD	94-12-046
4-25-280	REP	94-02-070	16-219-025	AMD-P	94-05-092	16-316-105	AMD-P	94-09-046
4-25-300	REP	94-02-070	16-219-025	AMD	94-09-028	16-316-105	AMD	94-12-046
4-25-320	REP	94-02-070	16-219-027	NEW-P	94-05-092	16-316-230	AMD-P	94-09-046
4-25-521	NEW	94-02-068	16-219-027	NEW	94-09-028	16-316-230	AMD	94-12-046
4-25-522	NEW	94-02-068	16-219-029	NEW-P	94-05-092	16-316-350	AMD-P	94-09-046
4-25-780	NEW	94-10-039	16-219-029	NEW	94-09-028	16-316-350	AMD	94-12-046
4-25-810	NEW	94-02-072	16-219-030	REP-P	94-05-092	16-316-440	AMD-P	94-09-046
4-25-811	NEW	94-02-072	16-219-030	REP	94-09-028	16-316-440	AMD	94-12-046
4-25-812	NEW	94-02-072	16-219-031	NEW-P	94-05-092	16-316-474	AMD-P	94-09-046
4-25-813	NEW	94-02-072	16-219-031	NEW	94-09-028	16-316-474	AMD	94-12-046
4-25-820	NEW	94-02-071	16-219-100	NEW-P	94-05-061	16-316-717	AMD-P	94-09-046
4-25-920	NEW	94-02-069	16-219-100	NEW	94-08-035	16-316-717	AMD	94-12-046
16-32-009	NEW-P	94-09-072	16-219-105	NEW-P	94-05-061	16-316-727	AMD-P	94-09-046
16-32-009	NEW	94-12-053	16-219-105	NEW	94-08-035	16-316-727	AMD	94-12-046
16-32-010	REP-P	94-09-072	16-221-001	REP	94-03-024	16-316-800	AMD-P	94-09-046
16-32-010	REP	94-12-053	16-221-010	REP	94-03-024	16-316-800	AMD	94-12-046
16-32-011	NEW-P	94-09-072	16-221-020	REP	94-03-024	16-316-820	AMD-P	94-09-046
16-32-011	NEW	94-12-053	16-221-030	REP	94-03-024	16-316-820	AMD	94-12-046
16-38-001	REP	94-05-009	16-221-040	REP	94-03-024	16-316-830	AMD-P	94-09-046
16-38-010	REP	94-05-009	16-223-001	REP	94-03-023	16-316-830	AMD	94-12-046
16-38-020	REP	94-05-009	16-223-002	REP	94-03-023	16-324-640	REP-P	94-01-110
16-54-035A	NEW-E	94-09-004	16-223-004	REP	94-03-023	16-324-640	REP	94-11-070
16-86-015	AMD	94-05-008	16-223-005	REP	94-03-023	16-400-210	AMD-E	94-04-091
16-103-001	AMD	94-05-040	16-223-010	REP	94-03-023	16-403-145	AMD-P	94-05-050
16-108-010	AMD-P	94-05-074	16-223-020	REP	94-03-023	16-403-145	AMD	94-07-133
16-108-010	AMD-W	94-07-038	16-223-030	REP	94-03-023	16-403-150	AMD-P	94-05-050
16-200-805	AMD-P	94-05-060	16-223-040	REP	94-03-023	16-403-150	AMD	94-07-133
16-200-805	AMD	94-08-034	16-223-050	REP	94-03-023	16-403-290	AMD-P	94-05-050
16-212-020	AMD-P	94-06-058	16-223-060	REP	94-03-023	16-403-290	AMD	94-07-133
16-212-020	AMD	94-10-002	16-223-070	REP	94-03-023	16-415-010	REP	94-03-026
16-212-030	AMD-P	94-06-058	16-228-235	REP-P	94-09-017	16-415-020	REP	94-03-026
16-212-030	AMD	94-10-002	16-228-245	REP-P	94-09-017	16-415-030	REP	94-03-026
16-212-060	AMD-P	94-06-058	16-228-250	REP-P	94-09-017	16-415-040	REP	94-03-026
16-212-060	AMD	94-10-002	16-228-255	REP-P	94-09-017	16-432-010	REP	94-03-025
16-212-070	AMD-P	94-06-058	16-228-260	REP-P	94-09-017	16-432-020	REP	94-03-025
16-212-070	AMD	94-10-002	16-228-265	REP-P	94-09-017	16-432-030	REP	94-03-025
16-212-080	AMD-P	94-06-058	16-228-275	REP-P	94-09-017	16-432-040	REP	94-03-025
16-212-080	AMD	94-10-002	16-304-040	AMD-P	94-09-046	16-432-050	REP	94-03-025
16-212-082	AMD-P	94-06-058	16-304-040	AMD	94-12-046	16-432-060	REP	94-03-025
16-212-082	AMD	94-10-002	16-304-050	AMD-P	94-09-046	16-432-070	REP	94-03-025
16-219	AMD-C	94-08-033	16-304-050	AMD	94-12-046	16-432-080	REP	94-03-025
16-219-015	AMD-P	94-05-092	16-304-110	AMD-P	94-09-046	16-432-090	REP	94-03-025
16-219-015	AMD	94-09-028	16-304-110	AMD	94-12-046	16-432-100	REP	94-03-025

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-432-110	REP	94-03-025	44-06-150	NEW-P	94-06-050	106-116-040	AMD	94-10-049
16-432-120	REP	94-03-025	44-06-160	NEW-P	94-06-050	106-116-042	AMD-P	94-07-090
16-432-130	REP	94-03-025	50-60-010	NEW	94-03-009	106-116-042	AMD-E	94-07-091
16-470-92005	NEW-C	94-06-003	50-60-020	NEW	94-03-009	106-116-042	AMD	94-10-049
16-470-92005	NEW-W	94-06-051	50-60-030	NEW	94-03-009	106-116-103	AMD-P	94-07-090
16-470-92010	NEW-C	94-06-003	50-60-040	NEW	94-03-009	106-116-103	AMD-E	94-07-091
16-470-92010	NEW-W	94-06-051	50-60-050	NEW	94-03-009	106-116-103	AMD	94-10-049
16-470-92015	NEW-C	94-06-003	50-60-060	NEW	94-03-009	106-116-10401	AMD-P	94-07-090
16-470-92015	NEW-W	94-06-051	50-60-070	NEW	94-03-009	106-116-10401	AMD-E	94-07-091
16-470-92020	NEW-C	94-06-003	50-60-080	NEW	94-03-009	106-116-10401	AMD	94-10-049
16-470-92020	NEW-W	94-06-051	50-60-090	NEW	94-03-009	106-116-201	AMD-P	94-07-090
16-470-92025	NEW-C	94-06-003	50-60-100	NEW	94-03-009	106-116-201	AMD-E	94-07-091
16-470-92025	NEW-W	94-06-051	50-60-110	NEW	94-03-009	106-116-201	AMD	94-10-049
16-470-92030	NEW-C	94-06-003	50-60-120	NEW	94-03-009	106-116-202	AMD-P	94-07-090
16-470-92030	NEW-W	94-06-051	50-60-130	NEW	94-03-009	106-116-202	AMD-E	94-07-091
16-470-92035	NEW-C	94-06-003	50-60-140	NEW	94-03-009	106-116-202	AMD	94-10-049
16-470-92035	NEW-W	94-06-051	50-60-150	NEW	94-03-009	106-116-203	AMD-P	94-07-090
16-470-92040	NEW-C	94-06-003	50-60-160	NEW	94-03-009	106-116-203	AMD-E	94-07-091
16-470-92040	NEW-W	94-06-051	50-60-170	NEW	94-03-009	106-116-203	AMD	94-10-049
16-482-016	AMD-P	94-01-111	50-60-180	NEW	94-03-009	106-116-204	AMD-P	94-07-090
16-482-016	AMD	94-11-069	51-04-015	AMD	94-05-058	106-116-204	AMD-E	94-07-091
16-514-020	AMD-P	94-05-073	51-04-018	AMD	94-05-058	106-116-204	AMD	94-10-049
16-514-020	AMD	94-08-091	51-04-020	AMD	94-05-058	106-116-205	AMD-P	94-07-090
16-580-040	AMD-P	94-05-066	51-04-025	AMD	94-05-058	106-116-205	AMD-E	94-07-091
16-580-040	AMD	94-08-090	51-04-030	AMD-W	94-05-102	106-116-205	AMD	94-10-049
16-602-025	NEW	94-05-049	51-04-030	PREP	94-12-015	106-116-207	AMD-P	94-07-090
16-602-027	NEW-P	94-09-052	51-04-060	AMD	94-05-058	106-116-207	AMD-E	94-07-091
16-602-027	NEW	94-12-045	51-11	PREP	94-12-017	106-116-207	AMD	94-10-049
16-604-008	NEW-P	94-10-074	51-11-0201	AMD	94-05-059	106-116-208	AMD-P	94-07-090
16-604-010	AMD-P	94-10-074	51-11-0402	AMD	94-05-059	106-116-208	AMD-E	94-07-091
16-604-012	NEW-P	94-10-074	51-11-0502	AMD-E	94-05-007	106-116-208	AMD	94-10-049
16-605A-001	NEW-P	94-10-076	51-11-0502	AMD	94-05-059	106-116-212	AMD-P	94-07-090
16-605A-010	NEW-P	94-10-076	51-11-0525	AMD	94-05-059	106-116-212	AMD-E	94-07-091
16-620-010	AMD-P	94-10-075	51-11-0527	AMD	94-05-059	106-116-212	AMD	94-10-049
16-620-015	NEW-P	94-10-075	51-11-0601	AMD	94-05-059	106-116-213	AMD-P	94-07-090
16-620-270	REP-P	94-10-075	51-11-0602	AMD	94-05-059	106-116-213	AMD-E	94-07-091
16-620-280	AMD-P	94-10-075	51-11-0603	AMD	94-05-059	106-116-213	AMD	94-10-049
16-620-290	AMD-P	94-10-075	51-11-0625	AMD	94-05-059	106-116-301	AMD-P	94-07-090
16-620-340	AMD-P	94-10-075	51-11-0626	AMD	94-05-059	106-116-301	AMD-E	94-07-091
16-620-380	AMD-P	94-10-075	51-11-0627	AMD	94-05-059	106-116-301	AMD	94-10-049
16-620-400	NEW-P	94-10-075	51-11-0628	AMD	94-05-059	106-116-303	AMD-P	94-07-090
16-620-410	NEW-P	94-10-075	51-11-0629	AMD	94-05-059	106-116-303	AMD-E	94-07-091
16-675-010	AMD-P	94-09-054	51-11-0630	AMD	94-05-059	106-116-303	AMD	94-10-049
16-675-010	AMD	94-12-035	51-11-1006	AMD-E	94-05-007	106-116-304	AMD-P	94-07-090
16-675-029	NEW-P	94-09-054	51-11-1006	AMD	94-05-059	106-116-304	AMD-E	94-07-091
16-675-029	NEW	94-12-035	51-11-1011	NEW-E	94-05-007	106-116-304	AMD	94-10-049
16-675-030	AMD-P	94-09-054	51-13	PREP	94-12-016	106-116-305	AMD-P	94-07-090
16-675-030	AMD	94-12-035	55-01-010	AMD-E	94-06-032	106-116-305	AMD-E	94-07-091
16-675-039	NEW-P	94-09-054	55-01-010	AMD-W	94-07-075	106-116-305	AMD	94-10-049
16-675-039	NEW	94-12-035	55-01-020	AMD-E	94-06-032	106-116-306	AMD-P	94-07-090
16-675-040	AMD-P	94-09-054	55-01-020	AMD-W	94-07-075	106-116-306	AMD-E	94-07-091
16-675-040	AMD	94-12-035	55-01-030	AMD-E	94-06-032	106-116-306	AMD	94-10-049
16-678-001	REP	94-03-022	55-01-030	AMD-W	94-07-075	106-116-307	AMD-P	94-07-090
16-678-010	REP	94-03-022	55-01-040	AMD-E	94-06-032	106-116-307	AMD-E	94-07-091
16-680-001	REP	94-03-021	55-01-040	AMD-W	94-07-075	106-116-307	AMD	94-10-049
16-680-010	REP	94-03-021	55-01-050	AMD-E	94-06-032	106-116-308	AMD-P	94-07-090
16-680-015	REP	94-03-021	55-01-050	AMD-W	94-07-075	106-116-308	AMD-E	94-07-091
16-694-001	AMD-P	94-09-055	55-01-060	AMD-E	94-06-032	106-116-308	AMD	94-10-049
16-694-001	AMD	94-12-034	55-01-060	AMD-W	94-07-075	106-116-310	AMD-P	94-07-090
44-06-010	AMD-P	94-06-050	55-01-070	AMD-E	94-06-032	106-116-310	AMD-E	94-07-091
44-06-020	AMD-P	94-06-050	55-01-070	AMD-W	94-07-075	106-116-310	AMD	94-10-049
44-06-030	AMD-P	94-06-050	55-01-080	AMD-W	94-07-075	106-116-311	AMD-P	94-07-090
44-06-040	AMD-P	94-06-050	67-35-030	AMD-P	94-07-067	106-116-311	AMD-E	94-07-091
44-06-050	AMD-P	94-06-050	67-35-030	AMD	94-11-054	106-116-311	AMD	94-10-049
44-06-060	AMD-P	94-06-050	67-35-230	AMD-P	94-07-067	106-116-403	AMD-P	94-07-090
44-06-070	AMD-P	94-06-050	67-35-230	AMD-W	94-11-053	106-116-403	AMD-E	94-07-091
44-06-080	AMD-P	94-06-050	67-35-230	AMD-P	94-12-072	106-116-403	AMD	94-10-049
44-06-085	NEW-P	94-06-050	82-50-021	AMD-P	94-10-055	106-116-410	AMD-P	94-07-090
44-06-090	AMD-P	94-06-050	106-116-011	AMD-P	94-07-090	106-116-410	AMD-E	94-07-091
44-06-110	AMD-P	94-06-050	106-116-011	AMD-E	94-07-091	106-116-410	AMD	94-10-049
44-06-120	AMD-P	94-06-050	106-116-011	AMD	94-10-049	106-116-501	AMD-P	94-07-090
44-06-130	AMD-P	94-06-050	106-116-040	AMD-P	94-07-090	106-116-501	AMD-E	94-07-091
44-06-140	AMD-P	94-06-050	106-116-040	AMD-E	94-07-091	106-116-501	AMD	94-10-049

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
106-116-513	AMD-P	94-07-090	132F-08-290	REP-P	94-05-097A	132J-116-080	AMD	94-04-052
106-116-513	AMD-E	94-07-091	132F-08-300	REP-P	94-05-097A	132J-116-090	AMD	94-04-052
106-116-513	AMD	94-10-049	132F-08-310	REP-P	94-05-097A	132J-116-100	AMD	94-04-052
106-116-514	AMD-P	94-07-090	132F-08-320	REP-P	94-05-097A	132J-116-110	AMD	94-04-052
106-116-514	AMD-E	94-07-091	132F-08-330	REP-P	94-05-097A	132J-116-120	AMD	94-04-052
106-116-514	AMD	94-10-049	132F-08-340	REP-P	94-05-097A	132J-116-130	AMD	94-04-052
106-116-515	AMD-P	94-07-090	132F-08-350	REP-P	94-05-097A	132J-116-140	AMD	94-04-052
106-116-515	AMD-E	94-07-091	132F-08-360	REP-P	94-05-097A	132J-116-150	AMD	94-04-052
106-116-515	AMD	94-10-049	132F-08-400	REP-P	94-05-097A	132J-116-160	AMD	94-04-052
106-116-521	AMD-P	94-07-090	132F-08-410	REP-P	94-05-097A	132J-116-170	AMD	94-04-052
106-116-521	AMD-E	94-07-091	132F-08-420	REP-P	94-05-097A	132J-116-180	AMD	94-04-052
106-116-521	AMD	94-10-049	132F-08-430	REP-P	94-05-097A	132J-116-190	AMD	94-04-052
106-116-601	AMD-P	94-07-090	132F-08-440	REP-P	94-05-097A	132J-116-200	REP	94-04-052
106-116-601	AMD-E	94-07-091	132F-08-450	REP-P	94-05-097A	132J-116-210	AMD	94-04-052
106-116-601	AMD	94-10-049	132F-08-460	REP-P	94-05-097A	132J-116-220	AMD	94-04-052
106-116-603	AMD-P	94-07-090	132F-08-470	REP-P	94-05-097A	132J-116-240	AMD	94-04-052
106-116-603	AMD-E	94-07-091	132F-08-480	REP-P	94-05-097A	132J-128-010	REP	94-04-053
106-116-603	AMD	94-10-049	132F-104-030	AMD-P	94-05-097A	132J-128-020	REP	94-04-053
106-116-701	AMD-P	94-07-090	132F-104-811	AMD-P	94-05-097A	132J-128-030	REP	94-04-053
106-116-701	AMD-E	94-07-091	132F-104-813	AMD-P	94-05-097A	132J-128-040	REP	94-04-053
106-116-701	AMD	94-10-049	132F-104-815	AMD-P	94-05-097A	132J-128-050	REP	94-04-053
106-116-702	AMD-P	94-07-090	132F-104-819	AMD-P	94-05-097A	132J-128-060	REP	94-04-053
106-116-702	AMD-E	94-07-091	132F-108-010	NEW-P	94-05-097A	132J-128-070	REP	94-04-053
106-116-702	AMD	94-10-049	132F-108-020	NEW-P	94-05-097A	132J-128-080	REP	94-04-053
106-116-853	AMD-P	94-07-090	132F-108-030	NEW-P	94-05-097A	132J-128-090	REP	94-04-053
106-116-853	AMD-E	94-07-091	132F-108-040	NEW-P	94-05-097A	132J-128-100	REP	94-04-053
106-116-853	AMD	94-10-049	132F-108-050	NEW-P	94-05-097A	132J-128-110	REP	94-04-053
106-116-901	AMD-P	94-07-090	132F-108-060	NEW-P	94-05-097A	132J-128-120	REP	94-04-053
106-116-901	AMD-E	94-07-091	132F-108-070	NEW-P	94-05-097A	132J-128-130	REP	94-04-053
106-116-901	AMD	94-10-049	132F-108-080	NEW-P	94-05-097A	132J-128-140	REP	94-04-053
131-46-010	AMD	94-04-120	132F-108-090	NEW-P	94-05-097A	132J-128-200	NEW	94-04-053
131-46-020	AMD	94-04-120	132F-108-100	NEW-P	94-05-097A	132J-128-210	NEW	94-04-053
131-46-025	AMD	94-04-120	132F-108-110	NEW-P	94-05-097A	132J-136-020	REP	94-04-054
131-46-027	NEW	94-04-120	132F-108-120	NEW-P	94-05-097A	132J-136-025	REP	94-04-054
131-46-029	NEW	94-04-120	132F-108-130	NEW-P	94-05-097A	132J-136-030	REP	94-04-054
131-46-030	AMD	94-04-120	132F-108-140	NEW-P	94-05-097A	132J-136-040	REP	94-04-054
131-46-035	AMD	94-04-120	132H-160-040	REP	94-04-098	132J-136-050	REP	94-04-054
131-46-040	AMD	94-04-120	132H-160-050	REP	94-04-098	132R-190-010	AMD	94-07-019
131-46-045	AMD	94-04-120	132H-160-056	REP	94-04-098	132R-190-020	AMD	94-07-019
131-46-050	AMD	94-04-120	132H-160-059	REP	94-04-098	132R-190-030	AMD	94-07-019
131-46-055	AMD	94-04-120	132H-160-070	REP	94-04-098	132R-190-035	AMD	94-07-019
131-46-060	AMD	94-04-120	132H-160-080	REP	94-04-098	132R-190-040	AMD	94-07-019
131-46-065	AMD	94-04-120	132H-160-120	REP	94-04-098	132R-190-050	AMD	94-07-019
131-46-070	AMD	94-04-120	132H-160-140	REP	94-04-098	132R-190-060	AMD	94-07-019
131-46-075	AMD	94-04-120	132H-160-150	REP	94-04-098	132R-190-070	AMD	94-07-019
131-46-077	NEW	94-04-120	132H-160-260	REP	94-04-098	132R-190-080	AMD	94-07-019
131-46-080	AMD	94-04-120	132H-160-320	REP	94-04-098	132R-190-090	AMD	94-07-019
131-46-085	AMD	94-04-120	132H-160-330	REP	94-04-098	132R-190-100	AMD	94-07-019
131-46-090	AMD	94-04-120	132H-160-350	REP	94-04-098	132R-190-110	AMD	94-07-019
131-46-095	AMD	94-04-120	132H-160-390	REP	94-04-098	132V-300-020	AMD-W	94-03-082
131-46-100	AMD	94-04-120	132H-160-400	REP	94-04-098	132Y-125-004	AMD	94-03-010
131-46-105	AMD	94-04-120	132H-160-430	REP	94-04-098	136-130-040	AMD-P	94-06-028
131-46-110	AMD	94-04-120	132H-160-440	REP	94-04-098	136-130-040	AMD	94-10-022
131-46-115	AMD	94-04-120	132H-160-492	REP	94-04-098	136-130-060	AMD-P	94-06-029
131-46-120	AMD	94-04-120	132H-160-520	REP	94-04-098	136-130-060	AMD	94-10-020
131-46-125	NEW	94-04-120	132H-160-600	REP	94-04-098	136-160-050	AMD-P	94-06-028
131-46-130	NEW	94-04-120	132H-160-610	REP	94-04-098	136-160-050	AMD	94-10-022
132F-08-001	REP-P	94-05-097A	132H-160-620	REP	94-04-098	136-160-060	AMD-P	94-06-030
132F-08-005	REP-P	94-05-097A	132H-160-630	REP	94-04-098	136-160-060	AMD	94-10-023
132F-08-010	REP-P	94-05-097A	132H-160-640	REP	94-04-098	136-180-040	AMD-P	94-06-031
132F-08-080	REP-P	94-05-097A	132H-160-650	REP	94-04-098	136-180-040	AMD	94-10-021
132F-08-090	REP-P	94-05-097A	132H-160-660	REP	94-04-098	137-56-010	AMD	94-07-065
132F-08-100	REP-P	94-05-097A	132H-160-670	REP	94-04-098	137-56-015	AMD	94-07-065
132F-08-110	REP-P	94-05-097A	132H-160-680	REP	94-04-098	137-56-030	AMD	94-07-065
132F-08-120	REP-P	94-05-097A	132H-160-690	REP	94-04-098	137-56-040	AMD	94-07-065
132F-08-130	REP-P	94-05-097A	132J-108-050	AMD	94-04-051	137-56-050	AMD	94-07-065
132F-08-140	REP-P	94-05-097A	132J-116-010	AMD	94-04-052	137-56-060	AMD	94-07-065
132F-08-230	REP-P	94-05-097A	132J-116-020	REP	94-04-052	137-56-070	AMD	94-07-065
132F-08-240	REP-P	94-05-097A	132J-116-021	NEW	94-04-052	137-56-080	AMD	94-07-065
132F-08-250	REP-P	94-05-097A	132J-116-040	AMD	94-04-052	137-56-090	AMD	94-07-065
132F-08-260	REP-P	94-05-097A	132J-116-050	AMD	94-04-052	137-56-095	AMD	94-07-065
132F-08-270	REP-P	94-05-097A	132J-116-060	AMD	94-04-052	137-56-100	AMD	94-07-065
132F-08-280	REP-P	94-05-097A	132J-116-070	REP	94-04-052	137-56-110	AMD	94-07-065

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
137-56-120	AMD	94-07-065	162-30-035	NEW-W	94-04-087	173-95-030	REP	94-04-030
137-56-140	AMD	94-07-065	162-30-040	NEW-W	94-04-087	173-95-040	REP	94-04-030
137-56-150	AMD	94-07-065	162-30-050	NEW-W	94-04-087	173-95-050	REP	94-04-030
137-56-160	AMD	94-07-065	162-30-060	NEW-W	94-04-087	173-95-060	REP	94-04-030
137-56-170	AMD	94-07-065	162-30-070	NEW-W	94-04-087	173-95-070	REP	94-04-030
137-56-175	NEW	94-07-065	162-30-080	NEW-W	94-04-087	173-95-080	REP	94-04-030
137-56-180	AMD	94-07-065	162-30-090	NEW-W	94-04-087	173-95-090	REP	94-04-030
137-56-190	REP	94-07-065	162-30-100	NEW-W	94-04-087	173-95-100	REP	94-04-030
137-56-200	AMD	94-07-065	173-19-100	AMD-P	94-03-093	173-95-110	REP	94-04-030
137-56-210	AMD	94-07-065	173-19-120	AMD-P	94-03-092	173-95-120	REP	94-04-030
137-56-220	AMD	94-07-065	173-19-120	AMD	94-10-081	173-95-130	REP	94-04-030
137-56-230	AMD	94-07-065	173-19-2401	AMD-C	94-05-038	173-95-140	REP	94-04-030
137-56-240	AMD	94-07-065	173-19-2401	AMD	94-07-013	173-95-150	REP	94-04-030
137-56-250	AMD	94-07-065	173-19-2602	AMD-P	94-04-107	173-95-160	REP	94-04-030
148-120-010	NEW-P	94-08-066	173-19-2602	AMD	94-10-082	173-180A-010	NEW	94-10-084
148-120-015	NEW-P	94-08-066	173-19-3303	AMD-P	94-07-120	173-180A-020	NEW	94-10-084
148-120-100	NEW-P	94-08-066	173-19-3506	AMD-W	94-07-074	173-180A-030	NEW	94-10-084
148-120-120	NEW-P	94-08-066	173-19-3506	AMD-P	94-10-040	173-180A-040	NEW	94-10-084
148-120-200	NEW-P	94-08-066	173-19-360	AMD-P	94-10-041	173-180A-050	NEW	94-10-084
148-120-205	NEW-P	94-08-066	173-19-390	AMD	94-03-095	173-180A-060	NEW	94-10-084
148-120-210	NEW-P	94-08-066	173-19-4203	AMD-P	94-07-119	173-180A-070	NEW	94-10-084
148-120-220	NEW-P	94-08-066	173-19-4205	AMD-P	94-03-094	173-180A-080	NEW	94-10-084
148-120-225	NEW-P	94-08-066	173-19-4205	AMD	94-10-080	173-180A-090	NEW	94-10-084
148-120-230	NEW-P	94-08-066	173-34-010	REP-P	94-03-071	173-180A-100	NEW	94-10-084
148-120-234	NEW-P	94-08-066	173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084
148-120-236	NEW-P	94-08-066	173-34-020	REP-P	94-03-071	173-180A-120	NEW	94-10-084
162-12-100	AMD-W	94-04-087	173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084
162-12-110	REP-W	94-04-087	173-34-030	REP-P	94-03-071	173-180A-140	NEW	94-10-084
162-12-120	AMD-W	94-04-087	173-34-030	REP	94-07-078	173-180A-150	NEW	94-10-084
162-12-130	AMD-W	94-04-087	173-34-040	REP-P	94-03-071	173-180B-010	NEW	94-10-083
162-12-135	AMD-W	94-04-087	173-34-040	REP	94-07-078	173-180B-020	NEW	94-10-083
162-12-140	AMD-W	94-04-087	173-34-050	REP-P	94-03-071	173-180B-030	NEW	94-10-083
162-12-150	AMD-W	94-04-087	173-34-050	REP	94-07-078	173-180B-040	NEW	94-10-083
162-12-160	AMD-W	94-04-087	173-58-010	AMD-P	94-05-037	173-180B-050	NEW	94-10-083
162-12-170	AMD-W	94-04-087	173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083
162-12-180	AMD-W	94-04-087	173-58-020	AMD-P	94-05-037	173-180B-070	NEW	94-10-083
162-18-010	REP-W	94-04-087	173-58-020	AMD	94-12-001	173-180B-080	NEW	94-10-083
162-18-020	REP-W	94-04-087	173-58-090	AMD-P	94-05-037	173-180B-090	NEW	94-10-083
162-18-030	REP-W	94-04-087	173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083
162-18-040	REP-W	94-04-087	173-60-010	AMD-P	94-05-037	173-180B-110	NEW	94-10-083
162-18-050	REP-W	94-04-087	173-60-010	AMD	94-12-001	173-180B-120	NEW	94-10-083
162-18-060	REP-W	94-04-087	173-60-020	AMD-P	94-05-037	173-180B-130	NEW	94-10-083
162-18-070	REP-W	94-04-087	173-60-020	AMD	94-12-001	173-180B-140	NEW	94-10-083
162-18-080	REP-W	94-04-087	173-60-050	AMD-P	94-05-037	173-202-020	AMD-E	94-04-108
162-18-090	REP-W	94-04-087	173-60-050	AMD	94-12-001	173-202-020	AMD-P	94-08-071
162-18-100	REP-W	94-04-087	173-60-070	AMD-P	94-05-037	173-224-020	AMD-C	94-05-082
162-22-010	AMD-W	94-04-087	173-60-070	AMD	94-12-001	173-224-020	AMD-P	94-02-080
162-22-020	AMD-W	94-04-087	173-70-010	REP-P	94-05-037	173-224-020	AMD	94-10-027
162-22-030	REP-W	94-04-087	173-70-010	REP	94-12-001	173-224-030	AMD-P	94-02-080
162-22-040	REP-W	94-04-087	173-70-020	REP-P	94-05-037	173-224-030	AMD	94-10-027
162-22-050	AMD-W	94-04-087	173-70-020	REP	94-12-001	173-224-040	AMD-P	94-02-080
162-22-060	AMD-W	94-04-087	173-70-030	REP-P	94-05-037	173-224-040	AMD	94-10-027
162-22-070	AMD-W	94-04-087	173-70-030	REP	94-12-001	173-224-050	AMD-P	94-02-080
162-22-080	AMD-W	94-04-087	173-70-040	REP-P	94-05-037	173-224-050	AMD	94-10-027
162-22-090	AMD-W	94-04-087	173-70-040	REP	94-12-001	173-224-070	REP-P	94-02-080
162-22-100	AMD-W	94-04-087	173-70-050	REP-P	94-05-037	173-224-090	AMD-P	94-02-080
162-26-010	AMD-W	94-04-087	173-70-050	REP	94-12-001	173-224-090	AMD	94-10-027
162-26-020	AMD-W	94-04-087	173-70-060	REP-P	94-05-037	173-224-100	AMD-P	94-02-080
162-26-030	AMD-W	94-04-087	173-70-060	REP	94-12-001	173-224-100	AMD	94-10-027
162-26-040	AMD-W	94-04-087	173-70-070	REP-P	94-05-037	173-224-120	REP-P	94-02-080
162-26-050	AMD-W	94-04-087	173-70-070	REP	94-12-001	173-303	AMD-C	94-08-092
162-26-060	AMD-W	94-04-087	173-70-080	REP-P	94-05-037	173-303-071	AMD	94-12-018
162-26-070	AMD-W	94-04-087	173-70-080	REP	94-12-001	173-303-104	AMD	94-12-018
162-26-080	AMD-W	94-04-087	173-70-090	REP-P	94-05-037	173-320-010	REP-P	94-03-071
162-26-090	AMD-W	94-04-087	173-70-090	REP	94-12-001	173-320-010	REP	94-07-078
162-26-100	AMD-W	94-04-087	173-70-100	REP-P	94-05-037	173-320-020	REP-P	94-03-071
162-26-110	AMD-W	94-04-087	173-70-100	REP	94-12-001	173-320-020	REP	94-07-078
162-26-120	AMD-W	94-04-087	173-70-110	REP-P	94-05-037	173-320-030	REP-P	94-03-071
162-26-130	AMD-W	94-04-087	173-70-110	REP	94-12-001	173-320-030	REP	94-07-078
162-26-140	AMD-W	94-04-087	173-70-120	REP-P	94-05-037	173-320-040	REP-P	94-03-071
162-30-010	AMD-W	94-04-087	173-70-120	REP	94-12-001	173-320-040	REP	94-07-078
162-30-020	AMD-W	94-04-087	173-95-010	REP	94-04-030	173-320-040	REP-P	94-03-071
162-30-030	NEW-W	94-04-087	173-95-020	REP	94-04-030	173-320-050	REP-P	94-03-071

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-320-050	REP	94-07-078	180-29-130	AMD-P	94-08-104	194-20-140	PREP	94-08-070
173-320-060	REP-P	94-03-071	180-29-135	AMD-P	94-05-088	194-20-150	PREP	94-08-070
173-320-060	REP	94-07-078	180-29-135	AMD-C	94-08-068	194-20-160	PREP	94-08-070
173-320-070	REP-P	94-03-071	180-29-147	NEW-P	94-05-088	194-20-170	PREP	94-08-070
173-320-070	REP	94-07-078	180-29-147	NEW-C	94-08-068	194-20-180	PREP	94-08-070
173-320-080	REP-P	94-03-071	180-29-170	AMD-P	94-05-088	194-20-190	PREP	94-08-070
173-320-080	REP	94-07-078	180-29-170	AMD-C	94-08-068	194-22-010	PREP	94-08-070
173-335-010	REP-P	94-03-071	180-33-025	AMD-P	94-08-105	194-22-010	NEW-P	94-11-128
173-335-010	REP	94-07-078	180-40-235	AMD	94-03-102	194-22-020	PREP	94-08-070
173-335-020	REP-P	94-03-071	180-50-115	AMD	94-03-104	194-22-020	NEW-P	94-11-128
173-335-020	REP	94-07-078	180-50-120	AMD	94-03-104	194-22-030	PREP	94-08-070
173-335-030	REP-P	94-03-071	180-51-050	AMD	94-03-100	194-22-030	NEW-P	94-11-128
173-335-030	REP	94-07-078	180-51-050	AMD-P	94-08-067	194-22-040	PREP	94-08-070
173-335-040	REP-P	94-03-071	180-51-075	AMD	94-03-104	194-22-040	NEW-P	94-11-128
173-335-040	REP	94-07-078	180-51-105	AMD	94-03-103	194-22-050	PREP	94-08-070
173-335-050	REP-P	94-03-071	180-78-266	NEW-P	94-05-034	194-22-050	NEW-P	94-11-128
173-335-050	REP	94-07-078	180-78-266	NEW	94-08-055	194-22-060	PREP	94-08-070
173-400	NEW-C	94-08-072	180-79-241	AMD-P	94-08-106	194-22-060	NEW-P	94-11-128
173-400	NEW-C	94-10-079	180-95-010	AMD	94-03-103	194-22-070	PREP	94-08-070
173-400-045	NEW-P	94-04-106	180-95-020	AMD	94-03-103	194-22-070	NEW-P	94-11-128
173-400-101	NEW-P	94-04-105	180-95-030	AMD	94-03-103	194-22-080	PREP	94-08-070
173-400-101	NEW	94-10-042	180-95-040	AMD	94-03-103	194-22-080	NEW-P	94-11-128
173-400-116	NEW-P	94-04-106	180-95-050	AMD	94-03-103	194-22-090	PREP	94-08-070
173-401	AMD-C	94-08-073	180-95-060	AMD	94-03-103	194-22-090	NEW-P	94-11-128
173-401-200	AMD-P	94-04-104	180-96-005	AMD	94-03-101	194-22-100	PREP	94-08-070
173-401-200	AMD	94-11-105	180-96-010	AMD	94-03-101	194-22-100	NEW-P	94-11-128
173-401-510	AMD-P	94-04-104	180-96-015	REP	94-03-101	194-22-110	PREP	94-08-070
173-401-510	AMD	94-11-105	180-96-025	REP	94-03-101	194-22-110	NEW-P	94-11-128
173-401-530	NEW-P	94-04-104	180-96-030	REP	94-03-101	194-22-120	PREP	94-08-070
173-401-530	NEW	94-11-105	180-96-035	AMD	94-03-101	194-22-120	NEW-P	94-11-128
173-401-531	NEW-P	94-04-104	180-96-045	AMD	94-03-101	194-22-130	PREP	94-08-070
173-401-531	NEW	94-11-105	180-96-048	NEW	94-03-101	194-22-130	NEW-P	94-11-128
173-401-532	NEW-P	94-04-104	180-96-050	AMD	94-03-101	194-22-140	PREP	94-08-070
173-401-532	NEW	94-11-105	180-96-053	NEW	94-03-101	194-22-140	NEW-P	94-11-128
173-401-533	NEW-P	94-04-104	180-96-055	REP	94-03-101	194-22-150	PREP	94-08-070
173-401-533	NEW	94-11-105	180-96-058	NEW	94-03-101	194-22-150	NEW-P	94-11-128
173-402-010	REP-P	94-10-078	180-96-060	REP	94-03-101	194-22-160	PREP	94-08-070
173-402-020	REP-P	94-10-078	180-96-065	REP	94-03-101	194-22-160	NEW-P	94-11-128
173-422-020	AMD	94-05-039	180-96-070	REP	94-03-101	194-22-170	PREP	94-08-070
173-422-030	AMD	94-05-039	180-96-075	REP	94-03-101	194-22-170	NEW-P	94-11-128
173-422-050	AMD	94-05-039	182-12-110	AMD-E	94-08-027	194-22-180	PREP	94-08-070
173-422-070	AMD	94-05-039	182-12-111	AMD-E	94-08-027	194-22-180	NEW-P	94-11-128
173-422-075	AMD	94-05-039	182-12-115	AMD-E	94-08-027	194-22-190	PREP	94-08-070
173-422-095	AMD	94-05-039	182-12-122	AMD-E	94-08-027	194-22-190	NEW-P	94-11-128
173-422-130	AMD	94-05-039	182-14-010	NEW-E	94-08-028	197-11-225	NEW-E	94-12-032
173-422-140	REP	94-05-039	182-14-020	NEW-E	94-08-028	197-11-228	NEW-E	94-12-032
173-422-160	AMD	94-05-039	182-14-030	NEW-E	94-08-028	197-11-230	NEW-E	94-12-032
173-422-170	AMD	94-05-039	182-14-040	NEW-E	94-08-028	197-11-232	NEW-E	94-12-032
173-440-010	REP-P	94-10-078	182-14-050	NEW-E	94-08-028	197-11-235	NEW-E	94-12-032
173-440-020	REP-P	94-10-078	182-14-060	NEW-E	94-08-028	204-24-050	AMD-E	94-02-081
173-440-030	REP-P	94-10-078	182-14-070	NEW-E	94-08-028	204-24-050	AMD-P	94-02-082
173-440-040	REP-P	94-10-078	182-14-080	NEW-E	94-08-028	204-24-050	AMD	94-08-069
173-440-100	REP-P	94-10-078	182-14-090	NEW-E	94-08-028	204-30-010	REP	94-05-024
173-440-900	REP-P	94-10-078	182-14-100	NEW-E	94-08-028	204-30-020	REP	94-05-024
173-460-020	AMD	94-03-072	192-28-145	AMD-P	94-04-124	204-30-030	REP	94-05-024
173-460-030	AMD	94-03-072	192-28-145	AMD	94-10-044	204-30-040	REP	94-05-024
173-460-040	AMD	94-03-072	192-34-010	NEW	94-07-115	204-30-050	REP	94-05-024
173-460-050	AMD	94-03-072	192-34-015	NEW	94-07-115	204-30-060	REP	94-05-024
173-460-060	AMD	94-03-072	192-34-020	NEW	94-07-115	204-30-070	REP	94-05-024
173-460-080	AMD	94-03-072	192-34-025	NEW	94-07-115	204-30-080	REP	94-05-024
173-460-090	AMD	94-03-072	194-20-010	PREP	94-08-070	208-04-010	NEW	94-09-010
173-460-100	AMD	94-03-072	194-20-020	PREP	94-08-070	208-04-020	NEW	94-09-010
173-460-110	AMD	94-03-072	194-20-030	PREP	94-08-070	208-04-030	NEW	94-09-010
173-460-150	AMD	94-03-072	194-20-040	PREP	94-08-070	220-12-02000B	NEW-E	94-07-052
173-460-160	AMD	94-03-072	194-20-050	PREP	94-08-070	220-16-015	AMD-P	94-03-106
173-492-070	AMD	94-07-040	194-20-060	PREP	94-08-070	220-16-015	AMD-C	94-12-007
180-16-200	AMD	94-03-104	194-20-070	PREP	94-08-070	220-16-015	AMD	94-12-009
180-24-310	AMD-P	94-08-103	194-20-080	PREP	94-08-070	220-16-460	NEW-P	94-03-105
180-24-312	AMD-P	94-08-103	194-20-090	PREP	94-08-070	220-16-46000A	NEW-E	94-10-043
180-24-315	AMD-P	94-08-103	194-20-100	PREP	94-08-070	220-20-021	AMD-P	94-03-106
180-24-320	AMD-P	94-08-103	194-20-110	PREP	94-08-070	220-20-021	AMD-C	94-12-007
180-24-325	AMD-P	94-08-103	194-20-120	PREP	94-08-070	220-20-021	AMD	94-12-009
180-24-355	AMD-P	94-08-103	194-20-130	PREP	94-08-070	220-20-025	AMD-P	94-03-106

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-20-025	AMD-C	94-12-007	220-48-041	AMD-P	94-03-106	220-49-06300B	NEW-E	94-07-077
220-20-025	AMD	94-12-009	220-48-041	AMD-C	94-12-007	220-49-064	AMD-P	94-03-106
220-20-02500B	NEW-E	94-05-002	220-48-041	AMD	94-12-009	220-49-064	AMD-C	94-12-007
220-20-051	AMD-P	94-11-005	220-48-051	AMD-P	94-03-106	220-49-064	AMD	94-12-009
220-20-05100A	REP-E	94-11-006	220-48-051	AMD-C	94-12-007	220-49-06400A	NEW-E	94-07-063
220-20-05100B	NEW-E	94-11-006	220-48-051	AMD	94-12-009	220-49-06400A	REP-E	94-07-077
220-20-065	NEW-P	94-11-005	220-48-061	AMD-P	94-03-106	220-49-06400B	NEW-E	94-07-077
220-20-06500A	REP-E	94-11-006	220-48-061	AMD-C	94-12-007	220-52-010	AMD-P	94-03-106
220-20-06500B	NEW-E	94-11-006	220-48-061	AMD	94-12-009	220-52-010	AMD-C	94-12-007
220-22-030	AMD-P	94-09-071	220-48-071	AMD-P	94-03-106	220-52-010	AMD	94-12-009
220-32-05100E	NEW-E	94-04-048	220-48-071	AMD-C	94-12-007	220-52-018	AMD-P	94-03-106
220-32-05500F	NEW-E	94-09-022	220-48-071	AMD	94-12-009	220-52-018	AMD-C	94-12-007
220-32-05500G	NEW-E	94-11-106	220-49-005	NEW-P	94-03-106	220-52-018	AMD	94-12-009
220-33-01000U	NEW-E	94-04-101	220-49-005	NEW-C	94-12-007	220-52-019	AMD-P	94-03-106
220-33-01000U	REP-E	94-06-042	220-49-005	NEW	94-12-009	220-52-019	AMD-C	94-12-007
220-33-01000V	NEW-E	94-06-042	220-49-011	AMD-P	94-03-106	220-52-019	AMD	94-12-009
220-33-01000V	REP-E	94-07-009	220-49-011	AMD-C	94-12-007	220-52-01901	AMD-P	94-03-106
220-33-01000W	NEW-E	94-07-009	220-49-011	AMD	94-12-009	220-52-01901	AMD-C	94-12-007
220-33-03000G	NEW-E	94-11-107	220-49-012	AMD-P	94-03-106	220-52-01901	AMD	94-12-009
220-33-060	AMD-P	94-03-106	220-49-012	AMD-C	94-12-007	220-52-020	AMD-P	94-03-106
220-33-060	AMD-C	94-12-007	220-49-012	AMD	94-12-009	220-52-020	AMD-C	94-12-007
220-33-060	AMD	94-12-009	220-49-013	AMD-P	94-03-106	220-52-020	AMD	94-12-009
220-36-021	AMD-P	94-09-070	220-49-013	AMD-C	94-12-007	220-52-030	AMD-P	94-03-106
220-36-023	AMD-P	94-09-070	220-49-013	AMD	94-12-009	220-52-030	AMD-C	94-12-007
220-40-021	AMD-P	94-09-070	220-49-014	AMD-P	94-03-106	220-52-030	AMD	94-12-009
220-40-027	AMD-P	94-09-070	220-49-014	AMD-C	94-12-007	220-52-040	AMD-P	94-03-106
220-44-020	AMD-P	94-03-106	220-49-014	AMD	94-12-009	220-52-040	AMD-C	94-12-007
220-44-020	AMD-C	94-12-007	220-49-015	REP-P	94-03-106	220-52-040	AMD	94-12-009
220-44-020	AMD	94-12-009	220-49-015	REP-C	94-12-007	220-52-043	AMD-P	94-03-106
220-44-030	AMD-P	94-03-106	220-49-015	REP	94-12-009	220-52-043	AMD-C	94-12-007
220-44-030	AMD-C	94-12-007	220-49-016	REP-P	94-03-106	220-52-043	AMD	94-12-009
220-44-030	AMD	94-12-009	220-49-016	REP-C	94-12-007	220-52-046	AMD-P	94-03-106
220-44-04000E	NEW-E	94-11-074	220-49-016	REP	94-12-009	220-52-046	AMD-C	94-12-007
220-44-050	AMD-P	94-10-073	220-49-017	AMD-P	94-03-106	220-52-046	AMD	94-12-009
220-44-05000I	REP-E	94-05-003	220-49-017	AMD-C	94-12-007	220-52-050	AMD-P	94-03-106
220-44-05000J	NEW-E	94-05-003	220-49-017	AMD	94-12-009	220-52-050	AMD-C	94-12-007
220-44-090	NEW-P	94-03-106	220-49-020	AMD-P	94-03-106	220-52-050	AMD	94-12-009
220-44-090	NEW-C	94-12-007	220-49-020	AMD-C	94-12-007	220-52-051	AMD-P	94-03-098
220-44-090	NEW	94-12-009	220-49-020	AMD	94-12-009	220-52-051	AMD-P	94-03-106
220-44-09000C	NEW-E	94-11-073	220-49-02000F	NEW-E	94-04-047	220-52-051	AMD	94-07-092
220-47-304	AMD-P	94-09-071	220-49-02000G	NEW-E	94-09-021	220-52-051	AMD-C	94-12-007
220-47-307	AMD-P	94-09-071	220-49-021	AMD-P	94-03-106	220-52-051	AMD-W	94-12-061
220-47-311	AMD-P	94-09-071	220-49-021	AMD-C	94-12-007	220-52-05100Q	NEW-E	94-11-072
220-47-401	AMD-P	94-09-071	220-49-021	AMD	94-12-009	220-52-060	AMD-P	94-03-106
220-47-411	AMD-P	94-09-071	220-49-022	REP-P	94-03-106	220-52-060	AMD-C	94-12-007
220-47-412	AMD-P	94-09-071	220-49-022	REP-C	94-12-007	220-52-060	AMD	94-12-009
220-48-001	AMD-P	94-03-106	220-49-022	REP	94-12-009	220-52-063	AMD-P	94-03-106
220-48-001	AMD-C	94-12-007	220-49-023	AMD-P	94-03-106	220-52-063	AMD-C	94-12-007
220-48-001	AMD	94-12-009	220-49-023	AMD-C	94-12-007	220-52-063	AMD	94-12-009
220-48-005	AMD-P	94-03-106	220-49-023	AMD	94-12-009	220-52-066	AMD-P	94-03-106
220-48-005	AMD-C	94-12-007	220-49-024	AMD-P	94-03-106	220-52-066	AMD-C	94-12-007
220-48-005	AMD	94-12-009	220-49-024	AMD-C	94-12-007	220-52-066	AMD	94-12-009
220-48-011	AMD-P	94-03-106	220-49-024	AMD	94-12-009	220-52-068	AMD-P	94-03-106
220-48-011	AMD-C	94-12-007	220-49-025	REP-P	94-03-106	220-52-068	AMD-C	94-12-007
220-48-011	AMD	94-12-009	220-49-025	REP-C	94-12-007	220-52-068	AMD	94-12-009
220-48-015	AMD-P	94-03-106	220-49-025	REP	94-12-009	220-52-069	AMD-P	94-03-106
220-48-015	AMD-C	94-12-007	220-49-026	REP-P	94-03-106	220-52-069	AMD-C	94-12-007
220-48-015	AMD	94-12-009	220-49-026	REP-C	94-12-007	220-52-069	AMD	94-12-009
220-48-016	NEW-P	94-03-106	220-49-026	REP	94-12-009	220-52-070	AMD-P	94-03-106
220-48-016	NEW-C	94-12-007	220-49-026	REP	94-12-009	220-52-070	AMD-C	94-12-007
220-48-016	NEW	94-12-009	220-49-026	REP	94-12-009	220-52-070	AMD	94-12-009
220-48-016	NEW-C	94-12-007	220-49-026	REP	94-12-009	220-52-071	AMD-P	94-03-106
220-48-016	NEW	94-12-009	220-49-026	REP	94-12-009	220-52-071	AMD-C	94-12-007
220-48-017	AMD-P	94-03-106	220-49-025	REP-C	94-12-007	220-52-071	AMD	94-12-009
220-48-017	AMD-C	94-12-007	220-49-025	REP	94-12-009	220-52-07100P	NEW-E	94-10-037
220-48-017	AMD	94-12-009	220-49-025	REP	94-12-009	220-52-073	AMD-P	94-03-106
220-48-019	AMD-P	94-03-106	220-49-026	REP-P	94-03-106	220-52-073	AMD-C	94-12-007
220-48-019	AMD-C	94-12-007	220-49-026	REP-C	94-12-007	220-52-073	AMD	94-12-009
220-48-019	AMD	94-12-009	220-49-026	REP	94-12-009	220-52-073	AMD	94-12-009
220-48-019	AMD	94-12-009	220-49-026	REP	94-12-009	220-52-073	AMD	94-12-009
220-48-028	AMD-P	94-03-106	220-49-026	REP	94-12-009	220-52-07300R	REP-E	94-03-063
220-48-028	AMD-C	94-12-007	220-49-026	REP	94-12-009	220-52-07300S	NEW-E	94-03-063
220-48-028	AMD	94-12-009	220-49-026	REP	94-12-009	220-52-07300S	REP-E	94-05-055
220-48-028	AMD	94-12-009	220-49-026	REP	94-12-009	220-52-07300T	NEW-E	94-05-055
220-48-031	AMD-P	94-03-106	220-49-026	REP	94-12-009	220-52-075	AMD-P	94-03-106
220-48-031	AMD-C	94-12-007	220-49-06300A	NEW-E	94-07-063			
220-48-031	AMD	94-12-009	220-49-06300A	REP-E	94-07-077			

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-52-075	AMD-C	94-12-007	220-57-14000Q	NEW-E	94-10-068	220-88A-060	NEW-P	94-03-098
220-52-075	AMD	94-12-009	220-57-155	AMD-P	94-03-105	220-88A-060	NEW	94-07-092
220-55-015	AMD-P	94-11-005	220-57-16000T	NEW-E	94-08-049	220-88A-070	NEW-P	94-03-098
220-55-01500A	REP-E	94-11-006	220-57-16000U	NEW-E	94-10-036	220-88A-070	NEW	94-07-092
220-55-01500B	NEW-E	94-11-006	220-57-17500Y	NEW-E	94-11-075	220-88A-080	NEW-P	94-03-098
220-55-155	NEW-P	94-11-005	220-57-200	AMD-P	94-03-105	220-88A-080	NEW	94-07-092
220-55-15500A	REP-E	94-11-006	220-57-210	AMD-P	94-03-105	220-110-010	AMD-P	94-11-126
220-55-15500B	NEW-E	94-11-006	220-57-215	AMD-P	94-03-105	220-110-020	AMD-P	94-11-126
220-56-100	AMD-P	94-03-105	220-57-230	AMD-P	94-03-105	220-110-030	AMD-P	94-11-126
220-56-10000A	NEW-E	94-10-043	220-57-235	REP-P	94-03-105	220-110-032	NEW-P	94-11-126
220-56-105	AMD-P	94-03-105	220-57-250	AMD-P	94-03-105	220-110-035	NEW-P	94-11-126
220-56-10500C	NEW-E	94-08-014	220-57-255	AMD-P	94-03-105	220-110-040	AMD-P	94-11-126
220-56-10500C	REP-E	94-10-036	220-57-270	AMD-P	94-03-105	220-110-050	AMD-P	94-11-126
220-56-11500A	NEW-E	94-10-043	220-57-280	AMD-P	94-03-105	220-110-060	AMD-P	94-11-126
220-56-123	NEW-P	94-03-105	220-57-285	AMD-P	94-03-105	220-110-070	AMD-P	94-11-126
220-56-124	AMD-P	94-03-105	220-57-29000P	NEW-E	94-08-014	220-110-080	AMD-P	94-11-126
220-56-128	AMD-P	94-03-105	220-57-29000P	REP-E	94-11-127	220-110-090	REP-P	94-11-126
220-56-12800I	NEW-E	94-10-043	220-57-29000Q	NEW-E	94-11-127	220-110-100	AMD-P	94-11-126
220-56-190	AMD-P	94-03-105	220-57-300	AMD-P	94-03-105	220-110-110	REP-P	94-11-126
220-56-19000X	NEW-E	94-10-043	220-57-310	AMD-P	94-03-105	220-110-120	AMD-P	94-11-126
220-56-191	AMD-P	94-03-105	220-57-31500Y	NEW-E	94-08-014	220-110-130	AMD-P	94-11-126
220-56-19100E	NEW-E	94-10-043	220-57-31500Y	REP-E	94-10-036	220-110-140	AMD-P	94-11-126
220-56-195	AMD-P	94-03-105	220-57-31500Z	NEW-E	94-10-036	220-110-150	AMD-P	94-11-126
220-56-235	AMD-P	94-03-105	220-57-319	AMD-P	94-03-105	220-110-160	AMD-P	94-11-126
220-56-23500H	NEW-E	94-10-043	220-57-335	AMD-P	94-03-105	220-110-170	AMD-P	94-11-126
220-56-240	AMD-P	94-03-105	220-57-350	AMD-P	94-03-105	220-110-180	AMD-P	94-11-126
220-56-245	AMD-P	94-03-105	220-57-370	AMD-P	94-03-105	220-110-190	AMD-P	94-11-126
220-56-24500M	NEW-E	94-10-043	220-57-385	AMD-P	94-03-105	220-110-200	AMD-P	94-11-126
220-56-255	AMD-P	94-03-105	220-57-400	AMD-P	94-03-105	220-110-210	AMD-P	94-11-126
220-56-25500U	NEW-E	94-10-043	220-57-415	AMD-P	94-03-105	220-110-220	AMD-P	94-11-126
220-56-25500U	REP-E	94-12-062	220-57-425	AMD-P	94-03-105	220-110-223	NEW-P	94-11-126
220-56-25500V	NEW-E	94-12-062	220-57-430	AMD-P	94-03-105	220-110-224	NEW-P	94-11-126
220-56-285	AMD-P	94-03-105	220-57-435	AMD-P	94-03-105	220-110-230	AMD-P	94-11-126
220-56-28500B	NEW-E	94-10-043	220-57-450	AMD-P	94-03-105	220-110-240	AMD-P	94-11-126
220-56-305	AMD-P	94-03-105	220-57-455	AMD-P	94-03-105	220-110-250	AMD-P	94-11-126
220-56-30500A	NEW-E	94-10-043	220-57-465	AMD-P	94-03-105	220-110-260	REP-P	94-11-126
220-56-307	AMD-P	94-03-105	220-57-473	AMD-P	94-03-105	220-110-270	AMD-P	94-11-126
220-56-30700A	NEW-E	94-10-043	220-57-47300A	NEW-E	94-10-043	220-110-271	NEW-P	94-11-126
220-56-315	AMD-P	94-03-105	220-57-480	AMD-P	94-03-105	220-110-280	AMD-P	94-11-126
220-56-31500B	NEW-E	94-10-043	220-57-490	AMD-P	94-03-105	220-110-285	NEW-P	94-11-126
220-56-320	AMD-P	94-03-105	220-57-495	AMD-P	94-03-105	220-110-290	AMD-P	94-11-126
220-56-32500Z	NEW-E	94-11-072	220-57-49500L	NEW-E	94-10-043	220-110-300	AMD-P	94-11-126
220-56-32500A	NEW-E	94-12-008	220-57-49700H	NEW-E	94-08-014	220-110-310	AMD-P	94-11-126
220-56-350	AMD-P	94-03-105	220-57-49700H	REP-E	94-11-127	220-110-320	AMD-P	94-11-126
220-56-35000X	NEW-E	94-07-052	220-57-49700I	NEW-E	94-11-127	220-110-330	AMD-P	94-11-126
220-56-35000X	REP-E	94-07-076	220-57-50500V	NEW-E	94-08-014	220-110-340	AMD-P	94-11-126
220-56-35000Y	NEW-E	94-07-076	220-57-50500V	REP-E	94-10-036	220-110-350	AMD-P	94-11-126
220-56-35000Y	REP-E	94-12-033	220-57-50500W	NEW-E	94-10-036	220-110-360	NEW-P	94-11-126
220-56-35000Z	NEW-E	94-12-033	220-57-51500K	NEW-E	94-08-014	222-16-010	AMD-E	94-05-046
220-56-36000H	NEW-E	94-07-003	220-57-51500K	REP-E	94-10-036	222-16-010	AMD-E	94-07-053
220-56-36000H	REP-E	94-08-009	220-57-520	AMD-P	94-03-105	222-16-010	AMD-P	94-09-029
220-56-36000I	NEW-E	94-08-009	220-57-525	AMD-P	94-03-105	222-16-010	AMD-E	94-09-030
220-56-36000I	REP-E	94-09-023	220-57A-00100A	NEW-E	94-11-068	222-16-010	AMD-W	94-12-076
220-56-36000J	NEW-E	94-09-023	220-57A-00100A	REP-E	94-12-012	222-16-035	AMD-P	94-09-029
220-56-36000J	REP-E	94-10-038	220-57A-00100B	NEW-E	94-12-012	222-16-035	AMD-E	94-09-030
220-56-36000K	NEW-E	94-10-038	220-57A-012	AMD-P	94-03-105	222-16-080	AMD-E	94-05-046
220-56-380	AMD-P	94-03-105	220-57A-01200A	NEW-E	94-10-043	222-16-080	AMD-E	94-07-053
220-56-38000R	NEW-E	94-07-052	220-57A-01200A	REP-E	94-11-068	222-16-080	AMD-W	94-12-076
220-56-38000R	REP-E	94-07-076	220-57A-01200B	NEW-E	94-11-068	222-24-030	AMD-E	94-05-046
220-56-38000S	NEW-E	94-07-076	220-57A-152	AMD-P	94-03-105	222-30-020	AMD-P	94-09-029
220-56-38000S	REP-E	94-12-033	220-57A-15200A	NEW-E	94-10-043	222-30-020	AMD-E	94-09-030
220-56-38000T	NEW-E	94-12-033	220-57A-15200A	REP-E	94-11-068	222-30-050	AMD-E	94-05-046
220-56-382	AMD-P	94-03-105	220-57A-15200B	NEW-E	94-11-068	222-30-060	AMD-E	94-05-046
220-56-38200A	NEW-E	94-10-043	220-88A-010	NEW-P	94-03-098	222-30-065	NEW-E	94-05-046
220-56-390	AMD-P	94-03-105	220-88A-010	NEW	94-07-092	222-30-070	AMD-E	94-05-046
220-56-400	AMD-P	94-03-105	220-88A-020	NEW-P	94-03-098	222-30-075	NEW-E	94-05-046
220-56-40000C	NEW-E	94-10-043	220-88A-020	NEW	94-07-092	222-30-100	AMD-E	94-05-046
220-56-405	AMD-P	94-03-105	220-88A-030	NEW-P	94-03-098	222-38-020	AMD-E	94-05-046
220-56-410	AMD-P	94-03-105	220-88A-030	NEW	94-07-092	222-38-030	AMD-E	94-05-046
220-56-415	NEW-P	94-03-105	220-88A-040	NEW-P	94-03-098	223-08-010	AMD-E	94-07-062
220-57-130	AMD-P	94-03-105	220-88A-040	NEW	94-07-092	223-08-010	AMD-P	94-07-092
220-57-135	AMD-P	94-03-105	220-88A-050	NEW-P	94-03-098	223-08-010	AMD	94-12-030
220-57-140	AMD-P	94-03-105	220-88A-050	NEW	94-07-092	223-08-072	NEW-E	94-07-062

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
223-08-072	NEW-P	94-07-097	230-30-103	AMD-P	94-04-024	232-28-24501	NEW-E	94-12-069
223-08-072	NEW	94-12-030	230-30-103	AMD	94-07-084	232-28-417	AMD-E	94-04-007
223-08-148	NEW-E	94-07-062	230-40-010	AMD-P	94-10-006	232-28-61940	NEW	94-04-018
223-08-148	NEW-P	94-07-097	230-40-055	AMD-P	94-04-024	232-28-61941	NEW	94-06-012
223-08-148	NEW	94-12-030	230-40-055	AMD	94-07-084	232-28-61942	NEW	94-06-013
223-08-162	NEW-E	94-07-062	230-40-120	AMD-P	94-10-006	232-28-61944	NEW-E	94-03-038
223-08-162	NEW-P	94-07-097	230-40-225	AMD-P	94-10-006	232-28-61945	NEW-E	94-04-012
223-08-162	NEW	94-12-030	232-12-131	AMD-P	94-04-118	232-28-61945	NEW-P	94-06-038
223-08-165	AMD-E	94-07-062	232-12-131	AMD-W	94-06-036	232-28-61945	NEW	94-09-068
223-08-165	AMD-P	94-07-097	232-12-131	AMD-P	94-06-037	232-28-61946	NEW-P	94-06-039
223-08-165	AMD	94-12-030	232-12-131	AMD	94-11-030	232-28-61946	NEW	94-09-067
223-08-171	NEW-E	94-07-062	232-12-166	AMD-P	94-06-043	232-28-61947	NEW-P	94-06-040
223-08-171	NEW-P	94-07-097	232-12-166	AMD	94-09-019	232-28-61947	NEW	94-09-066
223-08-171	NEW	94-12-030	232-12-168	AMD	94-06-014	232-28-61948	NEW-E	94-09-005
223-08-252	NEW-E	94-07-062	232-28-022	REP-P	94-04-055	232-28-61949	NEW-E	94-08-048
223-08-252	NEW-P	94-07-097	232-28-022	REP	94-11-031	232-28-61950	NEW-P	94-09-069
223-08-252	NEW	94-12-030	232-28-02201	NEW-P	94-04-055	232-28-61950	NEW	94-12-067
230-02-030	AMD-P	94-07-083	232-28-02201	NEW	94-11-031	232-28-61951	NEW-P	94-11-125
230-02-030	AMD	94-11-095	232-28-02202	NEW-P	94-04-057	236-14	PREP	94-09-047
230-02-125	AMD-P	94-07-083	232-28-02202	NEW	94-11-032	236-48-190	PREP	94-11-007
230-02-125	AMD	94-11-095	232-28-02203	NEW-P	94-04-056	240-20-001	NEW-P	94-05-100
230-02-161	AMD-P	94-04-024	232-28-02203	NEW	94-11-033	240-20-001	NEW-E	94-05-101
230-02-161	AMD	94-07-084	232-28-02204	NEW-P	94-04-058	240-20-001	NEW	94-10-030
230-04-035	AMD-P	94-04-024	232-28-02204	NEW	94-11-034	240-20-001	NEW	94-11-081
230-04-035	AMD	94-07-084	232-28-02205	NEW-P	94-04-059	240-20-010	NEW-P	94-05-100
230-04-075	AMD-P	94-04-024	232-28-02205	NEW	94-11-035	240-20-010	NEW-E	94-05-101
230-04-075	AMD	94-07-084	232-28-02206	NEW-P	94-04-060	240-20-010	NEW	94-10-030
230-08-015	AMD-P	94-04-024	232-28-02206	NEW	94-11-036	240-20-010	NEW	94-11-081
230-08-015	AMD	94-07-084	232-28-02210	NEW-P	94-04-061	240-20-015	NEW-P	94-05-100
230-08-120	AMD-P	94-07-083	232-28-02210	NEW	94-11-037	240-20-015	NEW-E	94-05-101
230-08-120	AMD	94-11-095	232-28-02220	NEW-P	94-04-062	240-20-015	NEW	94-10-030
230-08-130	AMD-P	94-07-083	232-28-02220	NEW	94-11-038	240-20-015	NEW	94-11-081
230-08-130	AMD	94-11-095	232-28-02230	NEW-P	94-04-063	240-20-020	NEW-P	94-05-100
230-08-150	AMD-P	94-07-083	232-28-02230	NEW	94-11-039	240-20-020	NEW-E	94-05-101
230-08-150	AMD	94-11-095	232-28-02240	NEW-P	94-04-064	240-20-020	NEW	94-10-030
230-08-160	AMD-P	94-07-083	232-28-02240	NEW	94-11-040	240-20-020	NEW	94-11-081
230-08-160	AMD	94-11-095	232-28-02241	NEW-E	94-12-068	240-20-025	NEW-P	94-05-100
230-08-260	AMD-P	94-07-083	232-28-02250	NEW-P	94-04-065	240-20-025	NEW-E	94-05-101
230-08-260	AMD	94-11-095	232-28-02250	NEW	94-11-041	240-20-025	NEW	94-10-030
230-12-010	AMD-P	94-04-024	232-28-02260	NEW-P	94-04-066	240-20-025	NEW	94-11-081
230-12-010	AMD	94-07-084	232-28-02260	NEW	94-11-042	240-20-030	NEW-P	94-05-100
230-12-040	AMD-P	94-10-005	232-28-02270	NEW-P	94-04-067	240-20-030	NEW-E	94-05-101
230-12-050	AMD-P	94-10-005	232-28-02270	NEW	94-11-043	240-20-030	NEW	94-10-030
230-12-070	AMD-P	94-10-005	232-28-02280	NEW-P	94-04-068	240-20-030	NEW	94-11-081
230-12-305	AMD-P	94-04-024	232-28-02280	NEW	94-11-044	240-20-035	NEW-P	94-05-100
230-12-305	AMD	94-07-084	232-28-02290	NEW-P	94-04-069	240-20-035	NEW-E	94-05-101
230-20-064	AMD-P	94-04-024	232-28-02290	NEW	94-11-045	240-20-035	NEW	94-10-030
230-20-064	AMD	94-07-084	232-28-226	REP-P	94-04-114	240-20-035	NEW	94-11-081
230-20-103	NEW-P	94-10-005	232-28-226	REP	94-11-046	240-20-040	NEW-P	94-05-100
230-20-111	AMD-P	94-04-024	232-28-227	REP-P	94-04-116	240-20-040	NEW-E	94-05-101
230-20-111	AMD	94-07-084	232-28-227	REP	94-11-048	240-20-040	NEW	94-10-030
230-20-220	AMD-P	94-04-024	232-28-228	REP-P	94-04-115	240-20-040	NEW	94-11-081
230-20-220	AMD	94-07-084	232-28-228	REP	94-11-047	240-20-042	NEW-P	94-05-100
230-20-230	AMD-P	94-04-024	232-28-236	REP-P	94-05-079	240-20-042	NEW-E	94-05-101
230-20-230	AMD	94-07-084	232-28-236	REP	94-11-050	240-20-042	NEW	94-10-030
230-20-244	NEW-P	94-10-005	232-28-237	REP-P	94-05-078	240-20-042	NEW	94-11-081
230-20-244	NEW-C	94-11-094	232-28-237	REP	94-11-051	240-20-044	NEW-P	94-05-100
230-20-400	AMD-P	94-04-024	232-28-238	REP-P	94-04-117	240-20-044	NEW-E	94-05-101
230-20-400	AMD	94-07-084	232-28-238	REP	94-11-049	240-20-044	NEW	94-10-030
230-20-680	AMD-P	94-04-024	232-28-239	NEW	94-04-123	240-20-044	NEW	94-11-081
230-20-680	AMD	94-07-084	232-28-240	NEW-P	94-04-114	240-20-046	NEW-P	94-05-100
230-25-160	AMD-P	94-04-024	232-28-240	NEW	94-11-046	240-20-046	NEW-E	94-05-101
230-25-160	AMD	94-07-084	232-28-241	NEW-P	94-04-115	240-20-046	NEW	94-10-030
230-25-200	AMD-P	94-07-083	232-28-241	NEW	94-11-047	240-20-046	NEW	94-11-081
230-25-200	AMD	94-11-095	232-28-242	NEW-P	94-04-116	240-20-048	NEW-P	94-05-100
230-30-050	AMD-P	94-07-083	232-28-242	NEW	94-11-048	240-20-048	NEW-E	94-05-101
230-30-050	AMD	94-11-095	232-28-24201	NEW-E	94-11-078	240-20-048	NEW	94-10-030
230-30-060	AMD-P	94-04-024	232-28-243	NEW-P	94-04-117	240-20-048	NEW	94-11-081
230-30-060	AMD	94-07-084	232-28-243	NEW	94-11-049	240-20-050	NEW-P	94-05-100
230-30-072	AMD-P	94-04-024	232-28-244	NEW-P	94-05-079	240-20-050	NEW-E	94-05-101
230-30-072	AMD	94-07-084	232-28-244	NEW	94-11-050	240-20-050	NEW	94-10-030
230-30-102	AMD-P	94-04-024	232-28-245	NEW-P	94-05-078	240-20-050	NEW	94-11-081
230-30-102	AMD	94-07-084	232-28-245	NEW	94-11-051	240-20-052	NEW-P	94-05-100

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
240-20-052	NEW-E	94-05-101	240-20-330	NEW	94-10-030	245-02-030	NEW-P	94-06-060
240-20-052	NEW	94-10-030	240-20-330	NEW	94-11-081	245-02-030	NEW-P	94-12-081
240-20-052	NEW	94-11-081	240-20-410	NEW-P	94-05-100	245-02-040	NEW-P	94-06-060
240-20-054	NEW-P	94-05-100	240-20-410	NEW-E	94-05-101	245-02-040	NEW-P	94-12-081
240-20-054	NEW-E	94-05-101	240-20-410	NEW	94-10-030	245-02-050	NEW-P	94-06-060
240-20-054	NEW	94-10-030	240-20-410	NEW	94-11-081	245-02-050	NEW-P	94-12-081
240-20-054	NEW	94-11-081	240-20-420	NEW-P	94-05-100	245-02-060	NEW-P	94-12-081
240-20-056	NEW-P	94-05-100	240-20-420	NEW-E	94-05-101	245-02-070	NEW-P	94-12-081
240-20-056	NEW-E	94-05-101	240-20-420	NEW	94-10-030	245-02-080	NEW-P	94-12-081
240-20-056	NEW	94-10-030	240-20-420	NEW	94-11-081	245-02-090	NEW-P	94-12-081
240-20-056	NEW	94-11-081	240-20-430	NEW-P	94-05-100	245-02-100	NEW-P	94-12-078
240-20-058	NEW-P	94-05-100	240-20-430	NEW-E	94-05-101	245-02-110	NEW-P	94-12-078
240-20-058	NEW-E	94-05-101	240-20-430	NEW	94-10-030	245-02-115	NEW-P	94-12-078
240-20-058	NEW	94-10-030	240-20-430	NEW	94-11-081	245-02-120	NEW-P	94-12-078
240-20-058	NEW	94-11-081	240-20-425	NEW-E	94-04-015	245-02-125	NEW-P	94-12-078
240-20-060	NEW-P	94-05-100	240-20-427	NEW-E	94-04-015	245-02-130	NEW-P	94-12-078
240-20-060	NEW-E	94-05-101	242-02-040	AMD	94-07-033	245-02-135	NEW-P	94-12-078
240-20-060	NEW	94-10-030	242-02-052	AMD	94-07-033	245-02-140	NEW-P	94-12-078
240-20-060	NEW	94-11-081	242-02-072	AMD	94-07-033	245-02-145	NEW-P	94-12-078
240-20-065	NEW-P	94-05-100	242-02-110	AMD	94-07-033	245-02-150	NEW-P	94-12-078
240-20-065	NEW-E	94-05-101	242-02-140	AMD	94-07-033	245-02-155	NEW-P	94-12-078
240-20-065	NEW	94-10-030	242-02-210	AMD	94-07-033	245-02-160	NEW-P	94-12-078
240-20-065	NEW	94-11-081	242-02-220	AMD	94-07-033	245-02-165	NEW-P	94-12-078
240-20-070	NEW-P	94-05-100	242-02-240	AMD	94-07-033	245-02-170	NEW-P	94-12-078
240-20-070	NEW-E	94-05-101	242-02-250	AMD	94-07-033	245-02-175	NEW-P	94-12-078
240-20-070	NEW	94-10-030	242-02-270	AMD	94-07-033	245-02-180	NEW-P	94-12-078
240-20-070	NEW	94-11-081	242-02-280	AMD	94-07-033	245-04-100	NEW-P	94-10-085
240-20-075	NEW-P	94-05-100	242-02-310	AMD	94-07-033	245-04-100	NEW-S	94-12-079
240-20-075	NEW-E	94-05-101	242-02-320	AMD	94-07-033	245-04-110	NEW-P	94-10-085
240-20-075	NEW-P	94-10-029	242-02-330	AMD	94-07-033	245-04-110	NEW-S	94-12-079
240-20-075	NEW-E	94-10-031	242-02-340	AMD	94-07-033	245-04-115	NEW-P	94-10-085
240-20-080	NEW-P	94-05-100	242-02-410	AMD	94-07-033	245-04-115	NEW-S	94-12-079
240-20-080	NEW-E	94-05-101	242-02-440	AMD	94-07-033	246-08-450	AMD	94-04-079
240-20-080	NEW	94-10-030	242-02-510	AMD	94-07-033	246-10-102	AMD	94-04-079
240-20-080	NEW	94-11-081	242-02-520	NEW-W	94-07-007	246-10-103	AMD	94-04-079
240-20-090	NEW-P	94-05-100	242-02-522	AMD	94-07-033	246-10-107	AMD	94-04-079
240-20-090	NEW-E	94-05-101	242-02-530	AMD	94-07-033	246-10-109	AMD	94-04-079
240-20-090	NEW	94-10-030	242-02-540	AMD	94-07-033	246-10-110	AMD	94-04-079
240-20-090	NEW	94-11-081	242-02-550	AMD	94-07-033	246-10-114	AMD	94-04-079
240-20-110	NEW-P	94-05-100	242-02-554	AMD	94-07-033	246-10-115	AMD	94-04-079
240-20-110	NEW-E	94-05-101	242-02-558	AMD	94-07-033	246-10-123	AMD	94-04-079
240-20-110	NEW	94-10-030	242-02-570	AMD	94-07-033	246-10-124	AMD	94-04-079
240-20-110	NEW	94-11-081	242-02-580	AMD	94-07-033	246-10-201	AMD	94-04-079
240-20-120	NEW-P	94-05-100	242-02-620	AMD	94-07-033	246-10-202	AMD	94-04-079
240-20-120	NEW-E	94-05-101	242-02-680	AMD	94-07-033	246-10-203	AMD	94-04-079
240-20-120	NEW	94-10-030	242-02-830	AMD	94-07-033	246-10-204	AMD	94-04-079
240-20-120	NEW	94-11-081	242-02-850	AMD	94-07-033	246-10-205	AMD	94-04-079
240-20-130	NEW-P	94-05-100	242-02-880	AMD	94-07-033	246-10-304	AMD	94-04-079
240-20-130	NEW-E	94-05-101	242-02-892	NEW-W	94-07-007	246-10-305	AMD	94-04-079
240-20-130	NEW	94-10-030	242-02-910	AMD	94-07-033	246-10-401	AMD	94-04-079
240-20-130	NEW	94-11-081	242-02-920	AMD	94-07-033	246-10-402	AMD	94-04-079
240-20-210	NEW-P	94-05-100	242-04-050	AMD	94-07-033	246-10-403	AMD	94-04-079
240-20-210	NEW-E	94-05-101	245-01-010	NEW	94-04-046	246-10-404	AMD	94-04-079
240-20-210	NEW	94-10-030	245-01-020	NEW	94-04-046	246-10-501	AMD	94-04-079
240-20-210	NEW	94-11-081	245-01-020	AMD-P	94-06-060	246-10-502	AMD	94-04-079
240-20-220	NEW-P	94-05-100	245-01-030	NEW	94-04-046	246-10-503	AMD	94-04-079
240-20-220	NEW-E	94-05-101	245-01-040	NEW	94-04-046	246-10-504	AMD	94-04-079
240-20-220	NEW	94-10-030	245-01-050	NEW	94-04-046	246-10-604	AMD	94-04-079
240-20-220	NEW	94-11-081	245-01-060	NEW	94-04-046	246-10-607	AMD	94-04-079
240-20-230	NEW-P	94-05-100	245-01-070	NEW	94-04-046	246-10-701	AMD	94-04-079
240-20-230	NEW-E	94-05-101	245-01-080	NEW	94-04-046	246-10-702	AMD	94-04-079
240-20-230	NEW	94-10-030	245-01-090	NEW	94-04-046	246-10-704	AMD	94-04-079
240-20-230	NEW	94-11-081	245-01-100	NEW	94-04-046	246-10-705	AMD	94-04-079
240-20-310	NEW-P	94-05-100	245-01-110	NEW	94-04-046	246-10-706	AMD	94-04-079
240-20-310	NEW-E	94-05-101	245-01-120	NEW	94-04-046	246-10-707	AMD	94-04-079
240-20-310	NEW	94-10-030	245-01-130	NEW	94-04-046	246-11-010	AMD	94-04-078
240-20-310	NEW	94-11-081	245-01-140	NEW	94-04-046	246-11-020	AMD	94-04-078
240-20-320	NEW-P	94-05-100	245-01-150	NEW	94-04-046	246-11-030	AMD	94-04-078
240-20-320	NEW-E	94-05-101	245-02-010	NEW-P	94-06-060	246-11-050	AMD	94-04-078
240-20-320	NEW	94-10-030	245-02-010	NEW-P	94-12-081	246-11-060	AMD	94-04-078
240-20-320	NEW	94-11-081	245-02-020	NEW-P	94-06-060	246-11-080	AMD	94-04-078
240-20-330	NEW-P	94-05-100	245-02-020	NEW-P	94-12-081	246-11-090	AMD	94-04-078
240-20-330	NEW-E	94-05-101	245-02-025	NEW-P	94-12-081	246-11-100	AMD	94-04-078



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-11-110	AMD	94-04-078	246-247-110	NEW	94-07-010	246-272-25001	NEW	94-09-025
246-11-130	AMD	94-04-078	246-247-120	NEW	94-07-010	246-272-26001	NEW	94-09-025
246-11-140	AMD	94-04-078	246-247-130	NEW	94-07-010	246-272-27001	NEW	94-09-025
246-11-160	AMD	94-04-078	246-254-053	AMD-P	94-07-108	246-272-28001	NEW	94-09-025
246-11-180	AMD	94-04-078	246-254-053	AMD	94-11-010	246-282	PREP	94-12-087
246-11-220	AMD	94-04-078	246-254-070	AMD-P	94-07-107	246-282	PREP	94-12-088
246-11-230	AMD	94-04-078	246-254-070	AMD	94-11-011	246-290-010	AMD-P	94-08-075
246-11-250	AMD	94-04-078	246-254-080	AMD-P	94-07-107	246-290-020	AMD-P	94-08-075
246-11-260	AMD	94-04-078	246-254-080	AMD	94-11-011	246-290-025	NEW-P	94-08-075
246-11-270	AMD	94-04-078	246-254-090	AMD-P	94-07-107	246-290-030	AMD-P	94-08-075
246-11-280	AMD	94-04-078	246-254-090	AMD	94-11-011	246-290-040	AMD-P	94-08-075
246-11-290	AMD	94-04-078	246-254-100	AMD-P	94-07-107	246-290-060	AMD-P	94-08-075
246-11-300	AMD	94-04-078	246-254-100	AMD	94-11-011	246-290-100	AMD-P	94-08-075
246-11-330	AMD	94-04-078	246-254-120	AMD-P	94-07-107	246-290-110	AMD-P	94-08-075
246-11-340	AMD	94-04-078	246-254-120	AMD	94-11-011	246-290-115	NEW-P	94-08-075
246-11-360	AMD	94-04-078	246-254-160	AMD	94-07-010	246-290-130	AMD-P	94-08-075
246-11-370	AMD	94-04-078	246-260-990	REP-P	94-07-121	246-290-135	AMD-P	94-08-075
246-11-380	AMD	94-04-078	246-260-990	REP	94-11-056	246-290-140	AMD-P	94-08-075
246-11-390	AMD	94-04-078	246-260-9901	NEW-P	94-07-121	246-290-230	AMD-P	94-08-075
246-11-400	AMD	94-04-078	246-260-9901	NEW	94-11-056	246-290-300	AMD-P	94-08-075
246-11-420	AMD	94-04-078	246-272-001	REP	94-09-025	246-290-310	AMD-P	94-08-075
246-11-425	NEW	94-04-078	246-272-00101	NEW	94-09-025	246-290-320	AMD-P	94-08-075
246-11-430	AMD	94-04-078	246-272-002	REP	94-09-025	246-290-330	AMD-P	94-08-075
246-11-440	AMD	94-04-078	246-272-005	REP	94-09-025	246-290-410	AMD-P	94-08-075
246-11-450	AMD	94-04-078	246-272-00501	NEW	94-09-025	246-290-440	AMD-P	94-08-075
246-11-480	AMD	94-04-078	246-272-010	REP	94-09-025	246-290-480	AMD-P	94-08-075
246-11-500	AMD	94-04-078	246-272-01001	NEW	94-09-025	246-290-632	AMD-P	94-08-075
246-11-510	AMD	94-04-078	246-272-020	REP	94-09-025	246-290-654	AMD-P	94-08-075
246-11-530	AMD	94-04-078	246-272-02001	NEW	94-09-025	246-290-660	AMD-P	94-08-075
246-11-540	AMD	94-04-078	246-272-030	REP	94-09-025	246-290-662	AMD-P	94-08-075
246-11-560	AMD	94-04-078	246-272-03001	NEW	94-09-025	246-290-664	AMD-P	94-08-075
246-11-580	AMD	94-04-078	246-272-040	REP	94-09-025	246-290-666	AMD-P	94-08-075
246-11-590	AMD	94-04-078	246-272-04001	NEW	94-09-025	246-290-670	AMD-P	94-08-075
246-11-600	AMD	94-04-078	246-272-050	REP	94-09-025	246-290-686	AMD-P	94-08-075
246-11-610	AMD	94-04-078	246-272-05001	NEW	94-09-025	246-290-692	AMD-P	94-08-075
246-50-001	PREP	94-09-042	246-272-060	REP	94-09-025	246-290-694	AMD-P	94-08-075
246-50-010	PREP	94-09-042	246-272-070	REP	94-09-025	246-290-696	AMD-P	94-08-075
246-50-020	PREP	94-09-042	246-272-07001	NEW	94-09-025	246-291-001	NEW-P	94-06-008
246-50-030	PREP	94-09-042	246-272-080	REP	94-09-025	246-291-010	NEW-P	94-06-008
246-50-040	PREP	94-09-042	246-272-08001	NEW	94-09-025	246-291-020	NEW-P	94-06-008
246-50-990	PREP	94-09-042	246-272-090	REP	94-09-025	246-291-025	NEW-P	94-06-008
246-100	PREP	94-12-048	246-272-09001	NEW	94-09-025	246-291-030	NEW-P	94-06-008
246-132-020	REP	94-06-048	246-272-09501	NEW	94-09-025	246-291-040	NEW-P	94-06-008
246-132-030	REP	94-06-048	246-272-100	REP	94-09-025	246-291-050	NEW-P	94-06-008
246-170	PREP	94-12-048	246-272-110	REP	94-09-025	246-291-060	NEW-P	94-06-008
246-225-020	AMD	94-06-017	246-272-11001	NEW	94-09-025	246-291-100	NEW-P	94-06-008
246-227-030	NEW-W	94-06-016	246-272-11501	NEW	94-09-025	246-291-110	NEW-P	94-06-008
246-227-100	NEW-W	94-06-016	246-272-120	REP	94-09-025	246-291-120	NEW-P	94-06-008
246-239-020	AMD	94-06-017	246-272-12501	NEW	94-09-025	246-291-130	NEW-P	94-06-008
246-239-022	NEW	94-06-017	246-272-130	REP	94-09-025	246-291-140	NEW-P	94-06-008
246-239-030	AMD	94-06-017	246-272-13501	NEW	94-09-025	246-291-200	NEW-P	94-06-008
246-239-035	NEW	94-06-017	246-272-140	REP	94-09-025	246-291-210	NEW-P	94-06-008
246-239-050	AMD	94-06-017	246-272-14501	NEW	94-09-025	246-291-220	NEW-P	94-06-008
246-239-070	AMD	94-06-017	246-272-150	REP	94-09-025	246-291-230	NEW-P	94-06-008
246-239-080	AMD	94-06-017	246-272-15501	NEW	94-09-025	246-291-240	NEW-P	94-06-008
246-239-090	AMD	94-06-017	246-272-160	REP	94-09-025	246-291-250	NEW-P	94-06-008
246-239-100	AMD	94-06-017	246-272-16501	NEW	94-09-025	246-291-260	NEW-P	94-06-008
246-240-020	AMD	94-06-017	246-272-170	REP	94-09-025	246-291-270	NEW-P	94-06-008
246-247-001	AMD	94-07-010	246-272-17501	NEW	94-09-025	246-291-300	NEW-P	94-06-008
246-247-002	NEW	94-07-010	246-272-180	REP	94-09-025	246-291-310	NEW-P	94-06-008
246-247-010	AMD	94-07-010	246-272-18501	NEW	94-09-025	246-291-320	NEW-P	94-06-008
246-247-020	AMD	94-07-010	246-272-190	REP	94-09-025	246-291-330	NEW-P	94-06-008
246-247-030	AMD	94-07-010	246-272-19501	NEW	94-09-025	246-291-340	NEW-P	94-06-008
246-247-040	AMD	94-07-010	246-272-200	REP	94-09-025	246-291-350	NEW-P	94-06-008
246-247-050	REP	94-07-010	246-272-20501	NEW	94-09-025	246-291-360	NEW-P	94-06-008
246-247-060	AMD	94-07-010	246-272-210	REP	94-09-025	246-291-370	NEW-P	94-06-008
246-247-065	NEW	94-07-010	246-272-21501	NEW	94-09-025	246-292-001	AMD	94-04-004
246-247-070	REP	94-07-010	246-272-220	REP	94-09-025	246-292-010	AMD	94-04-004
246-247-075	NEW	94-07-010	246-272-22501	NEW	94-09-025	246-292-020	AMD	94-04-004
246-247-080	AMD	94-07-010	246-272-230	REP	94-09-025	246-292-030	AMD	94-04-004
246-247-085	NEW	94-07-010	246-272-23501	NEW	94-09-025	246-292-040	AMD	94-04-004
246-247-090	REP	94-07-010	246-272-240	REP	94-09-025	246-292-050	AMD	94-04-004
246-247-100	AMD	94-07-010	246-272-24001	NEW	94-09-025	246-292-055	NEW	94-04-004

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-292-060	AMD	94-04-004	246-327-165	AMD-P	94-10-047	246-451-030	AMD-P	94-09-026
246-292-070	AMD	94-04-004	246-327-175	REP-P	94-10-047	246-451-030	AMD	94-12-089
246-292-075	NEW	94-04-004	246-327-185	AMD-P	94-10-047	246-451-040	AMD-P	94-09-026
246-292-080	AMD	94-04-004	246-327-990	AMD-P	94-10-047	246-451-040	AMD	94-12-089
246-292-090	AMD	94-04-004	246-331-001	AMD-P	94-10-045	246-451-050	AMD-P	94-09-026
246-292-100	AMD	94-04-004	246-331-010	AMD-P	94-10-045	246-451-050	AMD	94-12-089
246-292-110	AMD	94-04-004	246-331-025	AMD-P	94-10-045	246-451-060	AMD-P	94-09-026
246-292-120	REP	94-04-004	246-331-030	NEW-P	94-10-045	246-451-060	AMD	94-12-089
246-292-130	REP	94-04-004	246-331-035	AMD-P	94-10-045	246-452-001	REP-P	94-09-026
246-292-140	REP	94-04-004	246-331-045	REP-P	94-10-045	246-452-001	REP	94-12-089
246-292-150	REP	94-04-004	246-331-055	REP-P	94-10-045	246-452-010	REP-P	94-09-026
246-292-160	NEW	94-04-004	246-331-065	AMD-P	94-10-045	246-452-010	REP	94-12-089
246-292-170	NEW	94-04-004	246-331-077	AMD-P	94-10-045	246-452-020	REP-P	94-09-026
246-292-990	REP	94-04-004	246-331-085	AMD-P	94-10-045	246-452-020	REP	94-12-089
246-316-001	AMD-P	94-08-040	246-331-095	AMD-P	94-10-045	246-452-030	REP-P	94-09-026
246-316-010	AMD-P	94-08-040	246-331-100	AMD-P	94-10-045	246-452-030	REP	94-12-089
246-316-020	AMD-P	94-08-040	246-331-105	AMD-P	94-10-045	246-452-040	REP-P	94-09-026
246-316-030	AMD-P	94-08-040	246-331-115	AMD-P	94-10-045	246-452-040	REP	94-12-089
246-316-040	AMD-P	94-08-040	246-331-125	AMD-P	94-10-045	246-452-050	REP-P	94-09-026
246-316-045	AMD-P	94-08-040	246-331-135	AMD-P	94-10-045	246-452-050	REP	94-12-089
246-316-050	AMD-P	94-08-040	246-331-155	REP-P	94-10-045	246-452-060	REP-P	94-09-026
246-316-055	NEW-P	94-08-040	246-331-165	AMD-P	94-10-045	246-452-060	REP	94-12-089
246-316-060	AMD-P	94-08-040	246-331-175	REP-P	94-10-045	246-452-070	REP-P	94-09-026
246-316-070	AMD-P	94-08-040	246-331-185	AMD-P	94-10-045	246-452-070	REP	94-12-089
246-316-080	AMD-P	94-08-040	246-331-990	AMD-P	94-10-045	246-452-080	REP-P	94-09-026
246-316-090	AMD-P	94-08-040	246-336-001	AMD-P	94-10-046	246-452-080	REP	94-12-089
246-316-100	AMD-P	94-08-040	246-336-100	AMD-P	94-10-046	246-453-001	AMD-P	94-09-026
246-316-110	AMD-P	94-08-040	246-336-025	AMD-P	94-10-046	246-453-001	AMD	94-12-089
246-316-120	AMD-P	94-08-040	246-336-030	NEW-P	94-10-046	246-453-010	AMD-P	94-09-026
246-316-130	AMD-P	94-08-040	246-336-035	AMD-P	94-10-046	246-453-010	AMD	94-12-089
246-316-140	AMD-P	94-08-040	246-336-045	REP-P	94-10-046	246-453-050	AMD-P	94-09-026
246-316-150	AMD-P	94-08-040	246-336-055	REP-P	94-10-046	246-453-050	AMD	94-12-089
246-316-160	AMD-P	94-08-040	246-336-065	AMD-P	94-10-046	246-453-070	AMD-P	94-09-026
246-316-170	AMD-P	94-08-040	246-336-077	AMD-P	94-10-046	246-453-070	AMD	94-12-089
246-316-180	AMD-P	94-08-040	246-336-085	AMD-P	94-10-046	246-453-090	AMD-P	94-09-026
246-316-190	AMD-P	94-08-040	246-336-095	AMD-P	94-10-046	246-453-090	AMD	94-12-089
246-316-200	AMD-P	94-08-040	246-336-100	AMD-P	94-10-046	246-454-001	AMD-P	94-09-026
246-316-210	AMD-P	94-08-040	246-336-105	AMD-P	94-10-046	246-454-001	AMD	94-12-089
246-316-220	AMD-P	94-08-040	246-336-115	AMD-P	94-10-046	246-454-010	AMD-P	94-09-026
246-316-230	AMD-P	94-08-040	246-336-125	AMD-P	94-10-046	246-454-010	AMD	94-12-089
246-316-240	AMD-P	94-08-040	246-336-135	AMD-P	94-10-046	246-454-020	AMD-P	94-09-026
246-316-250	AMD-P	94-08-040	246-336-165	AMD-P	94-10-046	246-454-020	AMD	94-12-089
246-316-260	AMD-P	94-08-040	246-336-990	AMD-P	94-10-046	246-454-030	AMD-P	94-09-026
246-316-265	NEW-P	94-08-040	246-338	PREP	94-11-012	246-454-030	AMD	94-12-089
246-316-268	NEW-P	94-08-040	246-360	PREP	94-10-058	246-454-040	REP-P	94-09-026
246-316-270	REP-P	94-08-040	246-450-001	REP-P	94-09-026	246-454-040	REP	94-12-089
246-316-280	AMD-P	94-08-040	246-450-001	REP	94-12-089	246-454-050	AMD-P	94-09-026
246-316-290	AMD-P	94-08-040	246-450-010	REP-P	94-09-026	246-454-050	AMD	94-12-089
246-316-300	AMD-P	94-08-040	246-450-010	REP	94-12-089	246-454-060	REP-P	94-09-026
246-316-310	AMD-P	94-08-040	246-450-020	REP-P	94-09-026	246-454-060	REP	94-12-089
246-316-320	AMD-P	94-08-040	246-450-020	REP	94-12-089	246-454-070	AMD-P	94-09-026
246-316-330	AMD-P	94-08-040	246-450-030	REP-P	94-09-026	246-454-070	AMD	94-12-089
246-316-335	NEW-P	94-08-040	246-450-030	REP	94-12-089	246-454-080	AMD-P	94-09-026
246-316-340	AMD-P	94-08-040	246-450-040	REP-P	94-09-026	246-454-080	AMD	94-12-089
246-316-990	AMD-P	94-08-040	246-450-040	REP	94-12-089	246-454-090	AMD-P	94-09-026
246-327-001	AMD-P	94-10-047	246-450-050	REP-P	94-09-026	246-454-090	AMD	94-12-089
246-327-010	AMD-P	94-10-047	246-450-050	REP	94-12-089	246-454-100	REP-P	94-09-026
246-327-025	AMD-P	94-10-047	246-450-060	REP-P	94-09-026	246-454-100	REP	94-12-089
246-327-030	NEW-P	94-10-047	246-450-060	REP	94-12-089	246-454-110	AMD-P	94-09-026
246-327-035	AMD-P	94-10-047	246-450-070	REP-P	94-09-026	246-454-110	AMD	94-12-089
246-327-045	REP-P	94-10-047	246-450-070	REP	94-12-089	246-454-120	AMD-P	94-09-026
246-327-055	REP-P	94-10-047	246-450-080	REP-P	94-09-026	246-454-120	AMD	94-12-089
246-327-065	AMD-P	94-10-047	246-450-080	REP	94-12-089	246-455-001	AMD-P	94-09-007
246-327-077	AMD-P	94-10-047	246-450-090	REP-P	94-09-026	246-455-001	AMD	94-12-090
246-327-085	AMD-P	94-10-047	246-450-090	REP	94-12-089	246-455-010	AMD-P	94-09-007
246-327-090	AMD-P	94-10-047	246-450-100	REP-P	94-09-026	246-455-010	AMD	94-12-090
246-327-095	AMD-P	94-10-047	246-450-100	REP	94-12-089	246-455-020	AMD-P	94-09-007
246-327-105	AMD-P	94-10-047	246-451-001	AMD-P	94-09-026	246-455-020	AMD	94-12-090
246-327-115	AMD-P	94-10-047	246-451-001	AMD	94-12-089	246-455-040	AMD-P	94-09-007
246-327-125	AMD-P	94-10-047	246-451-010	AMD-P	94-09-026	246-455-040	AMD	94-12-090
246-327-135	AMD-P	94-10-047	246-451-010	AMD	94-12-089	246-455-050	AMD-P	94-09-007
246-327-145	AMD-P	94-10-047	246-451-020	AMD-P	94-09-026	246-455-050	AMD	94-12-090
246-327-155	REP-P	94-10-047	246-451-020	AMD	94-12-089	246-455-060	AMD-P	94-09-007

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-455-060	AMD	94-12-090	246-838-080	AMD	94-08-050	246-878-080	NEW-P	94-02-079
246-455-070	AMD-P	94-09-007	246-838-090	AMD-P	94-05-033	246-878-080	NEW	94-08-101
246-455-070	AMD	94-12-090	246-838-090	AMD	94-08-050	246-878-090	NEW-P	94-02-079
246-455-080	AMD-P	94-09-007	246-838-110	AMD-P	94-05-033	246-878-090	NEW	94-08-101
246-455-080	AMD	94-12-090	246-838-110	AMD	94-08-050	246-878-100	NEW-P	94-02-079
246-455-090	AMD-P	94-09-007	246-838-180	AMD-P	94-05-033	246-878-100	NEW	94-08-101
246-455-090	AMD	94-12-090	246-838-180	AMD	94-08-050	246-878-110	NEW-P	94-02-079
246-455-100	AMD-P	94-09-007	246-838-990	AMD-P	94-05-035	246-878-110	NEW	94-08-101
246-455-100	AMD	94-12-090	246-838-990	AMD	94-08-102	246-878-120	NEW-P	94-02-079
246-490-100	NEW	94-04-083	246-839-020	AMD	94-07-012	246-878-120	NEW	94-08-101
246-490-110	NEW	94-04-083	246-839-020	PREP	94-10-057	246-883-030	AMD-P	94-02-078
246-520-001	REP	94-05-052	246-839-030	AMD	94-07-012	246-883-030	AMD	94-08-100
246-520-010	REP	94-05-052	246-839-040	AMD	94-07-012	246-886-030	AMD	94-02-060
246-520-020	REP	94-05-052	246-839-050	AMD	94-07-012	246-887	AMD-C	94-02-089
246-520-030	REP	94-05-052	246-839-060	AMD	94-07-012	246-887-100	AMD-P	94-04-111
246-520-040	REP	94-05-052	246-839-070	AMD	94-07-012	246-887-100	AMD	94-07-105
246-520-050	REP	94-05-052	246-839-080	AMD	94-07-012	246-887-100	AMD	94-08-098
246-520-060	REP	94-05-052	246-839-090	AMD	94-07-012	246-887-133	NEW	94-08-098
246-520-070	REP	94-05-052	246-839-300	PREP	94-10-056	246-887-140	AMD-P	94-04-111
246-807-115	NEW-P	94-03-053	246-839-300	PREP	94-11-079	246-887-140	AMD	94-07-105
246-807-115	NEW	94-08-053	246-839-310	PREP	94-10-056	246-887-150	AMD-P	94-04-111
246-807-125	NEW-P	94-11-080	246-839-310	PREP	94-11-079	246-887-150	AMD	94-07-105
246-807-135	NEW-P	94-11-080	246-839-320	PREP	94-10-056	246-887-160	AMD	94-08-098
246-807-173	AMD-P	94-11-080	246-839-320	PREP	94-11-079	246-887-170	AMD	94-08-098
246-807-300	AMD-P	94-11-080	246-839-330	PREP	94-10-056	246-889-020	AMD-P	94-04-111
246-815-030	AMD	94-05-053	246-839-330	PREP	94-11-079	246-889-020	AMD	94-07-105
246-815-300	NEW	94-04-005	246-839-340	PREP	94-10-056	246-901-010	NEW-P	94-04-112
246-815-990	AMD	94-02-059	246-839-340	PREP	94-11-079	246-901-010	NEW	94-08-097
246-816-015	NEW-P	94-03-045	246-839-350	PREP	94-10-056	246-901-020	AMD-P	94-04-112
246-816-015	NEW	94-12-038	246-839-350	PREP	94-11-079	246-901-020	AMD	94-08-097
246-818-015	NEW-P	94-03-044	246-839-360	PREP	94-10-056	246-901-030	AMD-P	94-04-112
246-818-015	NEW	94-08-011	246-839-360	PREP	94-11-079	246-901-030	AMD	94-08-097
246-818-020	AMD-P	94-06-046	246-839-365	PREP	94-10-056	246-901-035	NEW-P	94-04-112
246-818-020	AMD	94-11-088	246-839-365	PREP	94-11-079	246-901-035	NEW	94-08-097
246-818-990	REP	94-02-058	246-843-990	AMD-P	94-05-065	246-901-100	AMD-P	94-04-112
246-818-991	NEW	94-02-058	246-843-990	AMD	94-09-006	246-901-100	AMD	94-08-097
246-824	PREP	94-10-026	246-847-040	AMD-P	94-10-059	246-901-130	AMD-P	94-04-112
246-824-200	NEW-P	94-02-057	246-847-050	AMD-P	94-10-059	246-901-130	AMD	94-08-097
246-824-210	NEW-P	94-02-057	246-847-060	AMD-P	94-10-059	246-907-020	AMD-P	94-08-096
246-824-220	NEW-P	94-02-057	246-847-068	AMD-P	94-10-059	246-907-030	AMD	94-05-036
246-824-220	NEW	94-06-047	246-847-190	AMD-P	94-10-059	246-915-040	AMD	94-05-014
246-824-230	NEW-P	94-02-057	246-851	PREP	94-10-026	246-915-050	AMD	94-05-014
246-824-230	NEW	94-06-047	246-851-110	AMD	94-04-041	246-915-078	NEW	94-05-014
246-824-990	AMD-P	94-05-032	246-851-550	NEW	94-04-041	246-915-085	NEW	94-05-014
246-824-990	AMD	94-08-078	246-853-025	AMD-P	94-11-093	246-915-090	AMD	94-05-014
246-828-055	NEW-P	94-08-037	246-853-260	AMD-P	94-11-093	246-915-120	AMD	94-05-014
246-828-055	NEW	94-11-108	246-853-500	NEW-P	94-11-093	246-915-140	AMD	94-05-014
246-828-060	AMD-P	94-08-037	246-854-030	AMD-P	94-11-093	246-915-160	AMD	94-05-014
246-828-060	AMD	94-11-108	246-854-080	AMD-P	94-11-093	246-915-340	NEW	94-05-014
246-828-065	NEW-P	94-08-037	246-856-001	NEW-P	94-11-089	246-917-100	AMD-P	94-08-095
246-828-065	NEW	94-11-108	246-856-020	NEW-P	94-11-089	246-917-120	AMD-P	94-08-095
246-828-070	AMD-P	94-08-037	246-861	PREP	94-11-092	246-918-095	NEW-P	94-08-094
246-828-070	AMD	94-11-108	246-863-020	AMD-P	94-04-113	246-918-105	NEW-P	94-08-094
246-828-990	AMD	94-08-038	246-863-020	AMD	94-08-099	246-920-115	NEW-P	94-07-011
246-830-010	NEW-P	94-06-045	246-863-030	AMD-P	94-04-113	246-922-032	NEW	94-05-051
246-830-030	REP-P	94-05-080	246-863-030	AMD	94-08-099	246-922-033	NEW	94-05-051
246-830-035	NEW-P	94-05-080	246-865-060	AMD	94-02-077	246-922-100	AMD	94-05-051
246-830-255	NEW-P	94-06-045	246-869	PREP	94-11-090	246-922-110	REP	94-05-051
246-830-280	NEW-P	94-05-080	246-875	PREP	94-11-091	246-922-120	AMD	94-05-051
246-830-290	NEW-P	94-05-080	246-878-010	NEW-P	94-02-079	246-922-220	REP	94-05-051
246-830-410	AMD-P	94-06-045	246-878-010	NEW	94-08-101	246-922-250	REP	94-05-051
246-830-430	AMD-P	94-06-045	246-878-020	NEW-P	94-02-079	246-922-260	AMD	94-05-051
246-830-460	NEW-P	94-05-080	246-878-020	NEW	94-08-101	246-922-300	AMD	94-05-051
246-830-465	NEW-P	94-05-080	246-878-030	NEW-P	94-02-079	246-922-310	AMD	94-05-051
246-830-470	NEW-P	94-05-080	246-878-030	NEW	94-08-101	246-922-400	NEW-P	94-08-079
246-830-475	NEW-P	94-05-080	246-878-040	NEW-P	94-02-079	246-922-405	NEW-P	94-08-079
246-830-480	NEW-P	94-05-080	246-878-040	NEW	94-08-101	246-922-410	NEW-P	94-08-079
246-830-485	NEW-P	94-05-080	246-878-050	NEW-P	94-02-079	246-922-415	NEW-P	94-08-079
246-838-040	AMD-P	94-05-033	246-878-050	NEW	94-08-101	246-922-500	NEW-P	94-05-081
246-838-040	AMD	94-08-050	246-878-060	NEW-P	94-02-079	246-922-500	NEW	94-09-008
246-838-070	AMD-P	94-05-033	246-878-060	NEW	94-08-101	246-924-020	AMD-P	94-08-039
246-838-070	AMD	94-08-050	246-878-070	NEW-P	94-02-079	246-924-020	AMD	94-12-039
246-838-080	AMD-P	94-05-033	246-878-070	NEW	94-08-101	246-924-040	AMD-P	94-08-039

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-924-040	AMD	94-12-039	246-937-040	NEW-P	94-08-052	260-24-110	AMD-W	94-09-003
246-924-050	AMD-P	94-08-039	246-937-070	NEW-E	94-08-051	260-24-120	AMD-W	94-09-003
246-924-050	AMD	94-12-039	246-937-070	NEW-P	94-08-052	260-24-140	AMD-W	94-09-003
246-924-080	AMD-P	94-08-039	246-937-080	NEW-E	94-08-051	260-24-150	AMD-W	94-09-003
246-924-080	AMD	94-12-039	246-937-080	NEW-P	94-08-052	260-24-170	AMD-W	94-09-003
246-924-095	NEW-P	94-08-039	246-937-090	NEW-E	94-08-051	260-24-180	AMD-W	94-09-003
246-924-095	NEW-E	94-09-024	246-937-090	NEW-P	94-08-052	260-24-200	AMD-W	94-09-003
246-924-095	NEW	94-12-039	246-937-990	NEW-P	94-08-076	260-24-210	AMD-W	94-09-003
246-924-110	AMD-P	94-08-039	246-937-990	NEW-E	94-08-077	260-24-285	AMD-W	94-09-003
246-924-110	AMD	94-12-039	247-04-010	NEW-P	94-12-021	260-24-290	AMD-W	94-09-003
246-924-120	AMD-P	94-08-039	247-04-020	NEW-P	94-12-021	260-24-315	AMD-W	94-09-003
246-924-120	AMD	94-12-039	247-04-030	NEW-P	94-12-021	260-24-440	AMD-W	94-09-003
246-924-130	AMD-P	94-08-039	247-04-040	NEW-P	94-12-021	260-24-460	AMD-W	94-09-003
246-924-130	AMD	94-12-039	247-06-010	NEW-P	94-12-022	260-24-470	AMD-W	94-09-003
246-924-190	REP-P	94-08-039	247-06-020	NEW-P	94-12-022	260-24-500	AMD-W	94-09-003
246-924-190	REP	94-12-039	247-06-030	NEW-P	94-12-022	260-24-510	AMD-W	94-09-003
246-924-200	REP-P	94-08-039	250-40	AMD-P	94-09-058	260-24-520	AMD-W	94-09-003
246-924-200	REP	94-12-039	250-40-020	AMD-P	94-09-058	260-34-030	AMD-W	94-09-003
246-924-210	REP-P	94-08-039	250-40-040	AMD-P	94-09-058	260-36-080	AMD	94-04-002
246-924-210	REP	94-12-039	250-40-050	AMD-P	94-09-058	260-48-322	AMD-P	94-05-077
246-924-220	REP-P	94-08-039	250-40-070	AMD-P	94-09-058	260-48-324	AMD-P	94-05-076
246-924-220	REP	94-12-039	250-44-050	AMD-P	94-10-001	260-48-328	AMD-P	94-05-075
246-924-230	AMD-P	94-08-039	250-44-110	AMD-P	94-10-001	260-70-010	AMD-W	94-09-003
246-924-230	AMD	94-12-039	250-44-130	AMD-P	94-10-001	260-70-040	AMD	94-04-002
246-924-240	AMD-P	94-08-039	250-62-010	NEW-W	94-06-018	260-72-020	AMD	94-04-003
246-924-240	AMD	94-12-039	250-62-020	NEW-W	94-06-018	275-27-220	AMD	94-04-092
246-924-250	AMD-P	94-08-039	250-62-030	NEW-W	94-06-018	275-27-221	NEW	94-04-092
246-924-250	AMD	94-12-039	250-62-040	NEW-W	94-06-018	275-27-223	AMD	94-04-092
246-924-260	REP-P	94-08-039	250-62-050	NEW-W	94-06-018	275-30-020	AMD-P	94-12-026
246-924-260	REP	94-12-039	250-62-060	NEW-W	94-06-018	275-35-030	AMD-P	94-08-007
246-924-270	REP-P	94-08-039	250-62-070	NEW-W	94-06-018	275-35-030	AMD	94-11-065
246-924-270	REP	94-12-039	250-62-080	NEW-W	94-06-018	275-35-060	AMD-P	94-08-007
246-924-280	REP-P	94-08-039	250-62-090	NEW-W	94-06-018	275-35-060	AMD	94-11-065
246-924-280	REP	94-12-039	250-62-100	NEW-W	94-06-018	275-35-070	AMD-P	94-08-007
246-924-290	AMD-P	94-08-039	250-62-110	NEW-W	94-06-018	275-35-070	AMD	94-11-065
246-924-290	AMD	94-12-039	250-62-120	NEW-W	94-06-018	275-35-080	AMD-P	94-08-007
246-924-300	AMD-P	94-08-039	250-62-130	NEW-W	94-06-018	275-35-080	AMD	94-11-065
246-924-300	AMD	94-12-039	250-62-140	NEW-W	94-06-018	275-47-010	NEW-P	94-12-066
246-924-310	REP-P	94-08-039	250-62-150	NEW-W	94-06-018	275-47-020	NEW-P	94-12-066
246-924-310	REP	94-12-039	250-62-160	NEW-W	94-06-018	275-47-030	NEW-P	94-12-066
246-924-320	AMD-P	94-08-039	250-62-170	NEW-W	94-06-018	275-47-040	NEW-P	94-12-066
246-924-320	AMD	94-12-039	250-62-180	NEW-W	94-06-018	275-55-221	NEW-E	94-03-004
246-924-460	REP-P	94-08-039	250-62-190	NEW-W	94-06-018	275-55-221	NEW-P	94-03-005
246-924-460	REP	94-12-039	250-62-200	NEW-W	94-06-018	275-55-221	NEW	94-06-025
246-924-490	NEW-P	94-08-039	250-62-210	NEW-W	94-06-018	275-56-005	REP-P	94-12-005
246-924-490	NEW	94-12-039	250-66-030	AMD-P	94-09-060	275-56-010	REP-P	94-12-005
246-930-010	AMD-P	94-09-027	250-78-010	AMD-P	94-09-061	275-56-015	AMD	94-07-020
246-930-020	AMD-P	94-09-027	250-78-020	AMD-P	94-09-061	275-56-015	REP-P	94-12-005
246-930-030	AMD-P	94-09-027	250-78-030	AMD-P	94-09-061	275-56-016	REP-P	94-12-005
246-930-040	AMD-P	94-09-027	250-78-040	AMD-P	94-09-061	275-56-017	REP-P	94-12-005
246-930-050	AMD-P	94-09-027	250-78-050	AMD-P	94-09-061	275-56-020	REP-P	94-12-005
246-930-060	AMD-P	94-09-027	250-78-060	AMD-P	94-09-061	275-56-025	REP-P	94-12-005
246-930-070	AMD-P	94-09-027	250-79-010	NEW-C	94-04-093	275-56-035	REP-P	94-12-005
246-930-075	AMD-P	94-09-027	251-04-040	AMD-P	94-12-059	275-56-040	REP-P	94-12-005
246-930-200	AMD-P	94-09-027	251-04-105	AMD-P	94-12-057	275-56-042	REP-P	94-12-005
246-930-210	AMD-P	94-09-027	251-06-020	AMD-P	94-12-058	275-56-043	REP-P	94-12-005
246-930-220	AMD-P	94-09-027	251-08-112	AMD-P	94-12-058	275-56-050	REP-P	94-12-005
246-930-300	AMD-P	94-09-027	251-23-010	REP-W	94-04-010	275-56-055	REP-P	94-12-005
246-930-301	AMD-P	94-09-027	251-23-015	REP-W	94-04-010	275-56-060	REP-P	94-12-005
246-930-310	AMD-P	94-09-027	251-23-020	REP-W	94-04-010	275-56-065	REP-P	94-12-005
246-930-320	AMD-P	94-09-027	251-23-030	REP-W	94-04-010	275-56-070	REP-P	94-12-005
246-930-330	AMD-P	94-09-027	251-23-040	REP-W	94-04-010	275-56-075	REP-P	94-12-005
246-930-340	AMD-P	94-09-027	251-23-050	REP-W	94-04-010	275-56-080	REP-P	94-12-005
246-930-410	AMD-P	94-09-027	251-23-060	REP-W	94-04-010	275-56-085	REP-P	94-12-005
246-930-420	NEW-P	94-09-027	253-02-040	AMD-P	94-12-092	275-56-087	REP-P	94-12-005
246-930-430	NEW-P	94-09-027	253-16-090	AMD-P	94-12-092	275-56-088	REP-P	94-12-005
246-930-490	NEW-P	94-09-027	259-04-060	AMD-E	94-07-059	275-56-089	REP-P	94-12-005
246-930-990	AMD-P	94-09-027	259-04-060	AMD-P	94-07-096	275-56-090	REP-P	94-12-005
246-937-020	NEW-E	94-08-051	259-04-060	AMD	94-12-029	275-56-095	REP-P	94-12-005
246-937-020	NEW-P	94-08-052	260-12-010	AMD-W	94-09-003	275-56-100	REP-P	94-12-005
246-937-030	NEW-E	94-08-051	260-12-090	REP-W	94-09-003	275-56-105	REP-P	94-12-005
246-937-030	NEW-P	94-08-052	260-24-010	AMD-W	94-09-003	275-56-110	REP-P	94-12-005
246-937-040	NEW-E	94-08-051	260-24-080	AMD-W	94-09-003	275-56-115	REP-P	94-12-005

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-135	REP-P	94-12-005	275-57-110	NEW-P	94-12-005	284-10-030	NEW-W	94-03-085
275-56-150	REP-P	94-12-005	275-57-120	NEW-P	94-12-005	284-10-030	NEW-P	94-04-126
275-56-170	REP-P	94-12-005	275-57-130	NEW-P	94-12-005	284-10-030	NEW-P	94-08-060
275-56-175	REP-P	94-12-005	275-57-140	NEW-P	94-12-005	284-10-050	NEW-P	94-04-125
275-56-180	REP-P	94-12-005	275-57-150	NEW-P	94-12-005	284-10-050	NEW	94-08-081
275-56-185	REP-P	94-12-005	275-57-160	NEW-P	94-12-005	284-10-050	AMD-P	94-11-082
275-56-195	REP-P	94-12-005	275-57-170	NEW-P	94-12-005	284-10-060	NEW-E	94-03-084
275-56-200	REP-P	94-12-005	275-57-180	NEW-P	94-12-005	284-10-060	NEW-W	94-03-085
275-56-205	REP-P	94-12-005	275-57-190	NEW-P	94-12-005	284-10-060	NEW-P	94-04-126
275-56-210	REP-P	94-12-005	275-57-200	NEW-P	94-12-005	284-10-060	NEW	94-08-060
275-56-215	REP-P	94-12-005	275-57-210	NEW-P	94-12-005	284-10-070	NEW-E	94-03-084
275-56-220	REP-P	94-12-005	275-57-220	NEW-P	94-12-005	284-10-070	NEW-W	94-03-085
275-56-225	REP-P	94-12-005	275-57-230	NEW-P	94-12-005	284-10-070	NEW-P	94-04-126
275-56-230	REP-P	94-12-005	275-57-240	NEW-P	94-12-005	284-10-070	NEW	94-08-060
275-56-235	REP-P	94-12-005	275-57-250	NEW-P	94-12-005	284-10-080	NEW-W	94-03-085
275-56-240	REP-P	94-12-005	275-57-260	NEW-P	94-12-005	284-10-090	NEW-E	94-03-084
275-56-245	REP-P	94-12-005	275-57-270	NEW-P	94-12-005	284-10-090	NEW-W	94-03-085
275-56-260	REP-P	94-12-005	275-57-280	NEW-P	94-12-005	284-10-090	NEW-P	94-04-126
275-56-275	REP-P	94-12-005	275-57-290	NEW-P	94-12-005	284-10-090	NEW	94-08-060
275-56-285	REP-P	94-12-005	275-57-300	NEW-P	94-12-005	284-10-100	NEW-W	94-03-085
275-56-290	REP-P	94-12-005	275-57-310	NEW-P	94-12-005	284-10-110	NEW-W	94-03-085
275-56-295	REP-P	94-12-005	275-57-320	NEW-P	94-12-005	284-10-120	NEW-W	94-03-085
275-56-300	REP-P	94-12-005	275-57-330	NEW-P	94-12-005	284-10-130	NEW-W	94-03-085
275-56-305	REP-P	94-12-005	275-57-340	NEW-P	94-12-005	284-10-140	NEW-W	94-03-085
275-56-335	REP-P	94-12-005	275-57-350	NEW-P	94-12-005	284-10-150	NEW-W	94-03-085
275-56-340	REP-P	94-12-005	275-57-360	NEW-P	94-12-005	284-10-160	NEW-W	94-03-085
275-56-355	REP-P	94-12-005	275-57-370	NEW-P	94-12-005	284-10-170	NEW-W	94-03-085
275-56-365	REP-P	94-12-005	275-57-380	NEW-P	94-12-005	284-10-180	NEW-W	94-03-085
275-56-385	REP-P	94-12-005	275-57-390	NEW-P	94-12-005	284-10-190	NEW-W	94-03-085
275-56-400	REP-P	94-12-005	275-57-400	NEW-P	94-12-005	284-10-200	NEW-W	94-03-085
275-56-425	REP-P	94-12-005	275-57-410	NEW-P	94-12-005	284-12-090	AMD-P	94-11-100
275-56-445	REP-P	94-12-005	275-57-420	NEW-P	94-12-005	284-12-270	AMD-P	94-11-100
275-56-447	REP-P	94-12-005	275-57-430	NEW-P	94-12-005	284-13-110	REP-P	94-05-089
275-56-465	REP-P	94-12-005	275-57-440	NEW-P	94-12-005	284-13-110	REP-C	94-08-013
275-56-475	REP-P	94-12-005	275-57-450	NEW-P	94-12-005	284-13-110	REP-C	94-10-024
275-56-485	REP-P	94-12-005	275-57-460	NEW-P	94-12-005	284-13-110	REP	94-12-077
275-56-495	REP-P	94-12-005	275-57-470	NEW-P	94-12-005	284-13-120	REP-P	94-05-089
275-56-505	REP-P	94-12-005	275-59-072	NEW-E	94-03-004	284-13-120	REP-C	94-08-013
275-56-515	REP-P	94-12-005	275-59-072	NEW-P	94-03-005	284-13-120	REP-C	94-10-024
275-56-600	NEW	94-07-020	275-59-072	NEW	94-06-025	284-13-120	REP	94-12-077
275-56-600	REP-P	94-12-005	275-156-010	AMD-P	94-07-087	284-13-130	REP-P	94-05-089
275-56-610	NEW	94-07-020	275-156-010	AMD	94-12-006	284-13-130	REP-C	94-08-013
275-56-610	REP-P	94-12-005	275-156-015	AMD-P	94-07-087	284-13-130	REP-C	94-10-024
275-56-630	NEW	94-07-020	275-156-015	AMD	94-12-006	284-13-130	REP	94-12-077
275-56-630	REP-P	94-12-005	275-156-020	AMD-P	94-07-087	284-13-140	REP-P	94-05-089
275-56-640	NEW	94-07-020	275-156-020	AMD	94-12-006	284-13-140	REP-C	94-08-013
275-56-640	REP-P	94-12-005	275-156-025	AMD-P	94-07-087	284-13-140	REP-C	94-10-024
275-56-650	NEW	94-07-020	275-156-025	AMD	94-12-006	284-13-140	REP	94-12-077
275-56-650	REP-P	94-12-005	275-156-030	AMD-P	94-07-087	284-13-150	REP-P	94-05-089
275-56-660	NEW	94-07-020	275-156-030	AMD	94-12-006	284-13-150	REP-C	94-08-013
275-56-660	REP-P	94-12-005	284-07-060	AMD	94-04-045	284-13-150	REP-C	94-10-024
275-56-670	NEW	94-07-020	284-07-100	AMD	94-04-045	284-13-150	REP	94-12-077
275-56-670	REP-P	94-12-005	284-07-110	AMD	94-04-045	284-13-800	NEW-P	94-05-089
275-56-680	NEW	94-07-020	284-07-130	AMD	94-04-045	284-13-800	NEW-C	94-08-013
275-56-680	REP-P	94-12-005	284-07-140	AMD	94-04-045	284-13-800	NEW-C	94-10-024
275-56-690	NEW	94-07-020	284-07-180	AMD	94-04-045	284-13-800	NEW-W	94-12-077
275-56-690	REP-P	94-12-005	284-07-220	AMD	94-04-045	284-13-810	NEW-P	94-05-089
275-56-700	NEW	94-07-020	284-10	NEW-C	94-02-065	284-13-810	NEW-C	94-08-013
275-56-700	REP-P	94-12-005	284-10	NEW-C	94-03-048	284-13-810	NEW-C	94-10-024
275-56-710	NEW	94-07-020	284-10	NEW-C	94-08-006	284-13-810	NEW-W	94-12-077
275-56-710	REP-P	94-12-005	284-10-010	NEW-E	94-03-084	284-13-820	NEW-P	94-05-089
275-56-720	NEW	94-07-020	284-10-010	NEW-W	94-03-085	284-13-820	NEW-C	94-08-013
275-56-720	REP-P	94-12-005	284-10-010	NEW-P	94-04-126	284-13-820	NEW-C	94-10-024
275-57-010	NEW-P	94-12-005	284-10-010	NEW	94-08-060	284-13-820	NEW-W	94-12-077
275-57-020	NEW-P	94-12-005	284-10-015	NEW-E	94-03-084	284-13-830	NEW-P	94-05-089
275-57-030	NEW-P	94-12-005	284-10-015	NEW-W	94-03-085	284-13-830	NEW-C	94-08-013
275-57-040	NEW-P	94-12-005	284-10-015	NEW-P	94-04-126	284-13-830	NEW-C	94-10-024
275-57-050	NEW-P	94-12-005	284-10-015	NEW	94-08-060	284-13-830	NEW-W	94-12-077
275-57-060	NEW-P	94-12-005	284-10-020	NEW-E	94-03-084	284-17-120	AMD-P	94-11-100
275-57-070	NEW-P	94-12-005	284-10-020	NEW-W	94-03-085	284-17-121	AMD-P	94-11-100
275-57-080	NEW-P	94-12-005	284-10-020	NEW-P	94-04-126	284-17-220	AMD-P	94-11-100
275-57-090	NEW-P	94-12-005	284-10-020	NEW	94-08-060	284-17-250	AMD-P	94-11-100
275-57-100	NEW-P	94-12-005	284-10-030	NEW-E	94-03-084	284-17-260	AMD-P	94-11-100

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-17-290	AMD-P	94-11-100	296-17-501	AMD-P	94-07-129	296-24-040	AMD-P	94-10-010
284-17-320	AMD-P	94-11-100	296-17-501	AMD	94-12-051	296-24-045	AMD-P	94-10-010
284-17-400	AMD-P	94-11-100	296-17-506	REP-P	94-07-129	296-24-060	AMD-P	94-10-010
284-17-410	AMD-P	94-11-100	296-17-506	REP	94-12-051	296-24-065	AMD-P	94-10-010
284-17-420	AMD-P	94-11-100	296-17-50602	AMD-P	94-07-128	296-24-073	AMD-P	94-10-010
284-30	PREP	94-05-056	296-17-50602	AMD	94-12-063	296-24-088	AMD-P	94-10-010
284-30-450	PREP	94-05-070	296-17-519	AMD-P	94-07-128	296-24-11001	AMD	94-06-068
284-43-040	NEW-P	94-10-077	296-17-519	AMD	94-12-063	296-24-12001	AMD	94-06-068
284-44	PREP	94-05-056	296-17-52104	AMD-P	94-07-128	296-24-12511	AMD-P	94-10-010
284-46	PREP	94-05-056	296-17-52104	AMD	94-12-063	296-24-14009	AMD-P	94-10-010
284-51-010	AMD-P	94-11-122	296-17-524	AMD-P	94-07-128	296-24-14011	AMD	94-06-068
284-51-015	NEW-P	94-11-122	296-17-524	AMD	94-12-063	296-24-14011	AMD-P	94-10-010
284-51-020	AMD-P	94-11-122	296-17-528	AMD-P	94-07-128	296-24-14507	AMD-P	94-10-010
284-51-030	AMD-P	94-11-122	296-17-528	AMD	94-12-063	296-24-14509	AMD-P	94-10-010
284-51-040	AMD-P	94-11-122	296-17-53504	AMD-P	94-07-128	296-24-14513	AMD-P	94-10-010
284-51-045	NEW-P	94-11-122	296-17-53504	AMD	94-12-063	296-24-14515	AMD-P	94-10-010
284-51-050	AMD-P	94-11-122	296-17-536	AMD-P	94-07-128	296-24-14519	AMD-P	94-10-010
284-51-060	AMD-P	94-11-122	296-17-536	AMD	94-12-063	296-24-15001	AMD-P	94-10-010
284-51-070	REP-P	94-11-122	296-17-558	REP-P	94-07-128	296-24-15005	AMD-P	94-10-010
284-51-075	AMD-P	94-11-122	296-17-558	REP	94-12-063	296-24-16505	AMD-P	94-10-010
284-51-120	AMD-P	94-11-122	296-17-56101	AMD-P	94-07-128	296-24-16539	AMD-P	94-10-010
284-51-130	AMD-P	94-11-122	296-17-56101	AMD	94-12-063	296-24-19501	AMD-P	94-10-010
284-51-140	AMD-P	94-11-122	296-17-650	AMD-P	94-07-128	296-24-19507	AMD-P	94-10-010
284-51-150	AMD-P	94-11-122	296-17-650	AMD	94-12-063	296-24-19513	AMD-P	94-10-010
284-51-160	REP-P	94-11-122	296-17-66003	NEW-P	94-06-055	296-24-19517	AMD-P	94-10-010
284-51-170	AMD-P	94-11-122	296-17-66003	NEW	94-12-051	296-24-20003	AMD-P	94-10-010
284-54-020	AMD-P	94-09-050	296-17-686	AMD-P	94-07-128	296-24-20511	AMD-P	94-10-010
284-54-020	AMD-S	94-11-096	296-17-686	AMD	94-12-063	296-24-20525	AMD-P	94-10-010
284-54-150	AMD-P	94-09-050	296-17-704	AMD-P	94-07-128	296-24-21515	AMD-P	94-10-010
284-54-150	AMD-S	94-11-096	296-17-704	AMD	94-12-063	296-24-21705	AMD-P	94-10-010
284-54-200	NEW-P	94-09-050	296-17-706	AMD-P	94-07-128	296-24-21711	AMD-P	94-10-010
284-54-200	NEW-S	94-11-096	296-17-706	AMD	94-12-063	296-24-233	AMD-P	94-10-010
284-54-210	NEW-P	94-09-050	296-17-779	AMD-P	94-07-128	296-24-23503	AMD-P	94-10-010
284-54-210	NEW-S	94-11-096	296-17-779	AMD	94-12-063	296-24-23505	AMD-P	94-10-010
284-54-260	NEW-P	94-09-050	296-17-895	AMD-P	94-06-055	296-24-23507	AMD-P	94-10-010
284-54-260	NEW-S	94-11-096	296-17-895	AMD	94-12-051	296-24-23523	AMD-P	94-10-010
284-54-270	NEW-P	94-09-050	296-20-010	AMD-P	94-07-126	296-24-23527	AMD-P	94-10-010
284-54-270	NEW-S	94-11-096	296-20-01505	NEW-P	94-07-126	296-24-23529	AMD-P	94-10-010
284-87-040	AMD-P	94-09-049	296-20-110	AMD-P	94-07-126	296-24-24005	AMD-P	94-10-010
284-87-090	AMD-P	94-09-049	296-20-135	AMD	94-03-008	296-24-24009	AMD-P	94-10-010
284-87-100	AMD-P	94-09-049	296-20-370	AMD	94-03-073	296-24-24015	AMD-P	94-10-010
284-97-010	PREP	94-05-071	296-20-380	AMD	94-03-073	296-24-24503	AMD-P	94-10-010
284-97-020	PREP	94-05-071	296-20-385	NEW	94-03-073	296-24-24517	AMD-P	94-10-010
284-97-030	PREP	94-05-071	296-20-680	AMD	94-03-073	296-24-260	AMD-P	94-10-010
284-97-040	PREP	94-05-071	296-21-015	REP-P	94-07-126	296-24-29401	AMD-P	94-10-010
284-97-050	PREP	94-05-071	296-21-025	REP-P	94-07-126	296-24-29501	AMD-P	94-10-010
284-97-060	PREP	94-05-071	296-21-026	REP-P	94-07-126	296-24-31501	AMD-P	94-10-010
284-97-070	PREP	94-05-071	296-21-027	REP-P	94-07-126	296-24-32001	AMD-P	94-10-010
284-97-080	PREP	94-05-071	296-21-030	REP-P	94-07-126	296-24-33003	AMD	94-06-068
284-97-100	PREP	94-05-071	296-21-085	REP-P	94-07-126	296-24-33005	AMD-P	94-10-010
284-97-110	PREP	94-05-071	296-21-240	REP-P	94-07-126	296-24-33009	AMD-P	94-10-010
284-97-120	PREP	94-05-071	296-21-250	REP-P	94-07-126	296-24-33011	AMD-P	94-10-010
284-97-130	PREP	94-05-071	296-21-260	REP-P	94-07-126	296-24-33013	AMD-P	94-10-010
284-97-140	PREP	94-05-071	296-21-270	REP-P	94-07-126	296-24-47507	AMD-P	94-10-010
284-97-150	PREP	94-05-071	296-21-280	REP-P	94-07-126	296-24-47515	AMD-P	94-10-010
284-97-160	PREP	94-05-071	296-21-290	REP-P	94-07-126	296-24-51005	AMD-P	94-10-010
296-15-020	AMD-C	94-03-006	296-21-300	REP-P	94-07-126	296-24-51099	AMD-P	94-10-010
296-15-020	AMD	94-05-042	296-21-310	REP-P	94-07-126	296-24-55001	AMD-P	94-10-010
296-15-02601	AMD-P	94-12-096	296-21-320	REP-P	94-07-126	296-24-56515	AMD-P	94-10-010
296-15-02606	NEW-C	94-03-006	296-23-135	AMD-P	94-07-126	296-24-58501	AMD-P	94-10-010
296-15-02606	NEW	94-05-042	296-23-150	REP-P	94-07-126	296-24-58503	AMD	94-06-068
296-15-030	AMD-C	94-03-006	296-23-155	AMD-P	94-07-126	296-24-58513	AMD-P	94-10-010
296-15-030	AMD	94-05-042	296-23-220	REP-P	94-07-126	296-24-58515	AMD-P	94-10-010
296-15-060	AMD-P	94-12-096	296-23-225	REP-P	94-07-126	296-24-58517	AMD-P	94-10-010
296-15-070	AMD-P	94-12-096	296-23-230	REP-P	94-07-126	296-24-59215	AMD-P	94-10-010
296-15-072	AMD-P	94-12-096	296-23-235	REP-P	94-07-126	296-24-63299	AMD-P	94-10-010
296-15-160	AMD-P	94-12-096	296-23A-400	AMD-P	94-07-126	296-24-63399	AMD-P	94-10-010
296-15-170	AMD-C	94-03-006	296-24-001	AMD-P	94-10-010	296-24-63499	AMD-P	94-10-010
296-15-170	AMD	94-05-042	296-24-006	AMD-P	94-10-010	296-24-65501	AMD-P	94-10-010
296-17-350	AMD-P	94-07-127	296-24-010	AMD-P	94-10-010	296-24-66305	AMD-P	94-10-010
296-17-350	AMD	94-12-050	296-24-012	AMD-P	94-10-010	296-24-66319	AMD-P	94-10-010
296-17-45005	NEW-P	94-06-055	296-24-015	AMD-P	94-10-010	296-24-66321	AMD-P	94-10-010
296-17-45005	NEW	94-12-051	296-24-020	AMD-P	94-10-010	296-24-67005	AMD-P	94-10-010

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-24-67507	AMD-P	94-10-010	296-32-280	AMD-P	94-10-010	296-155-040	AMD-P	94-10-010
296-24-67515	AMD-P	94-10-010	296-32-290	AMD-P	94-10-010	296-155-100	AMD-P	94-10-010
296-24-68201	AMD-P	94-10-010	296-32-300	AMD-P	94-10-010	296-155-110	AMD-P	94-10-010
296-24-68501	AMD-P	94-10-010	296-32-320	AMD-P	94-10-010	296-155-120	AMD-P	94-10-010
296-24-68507	AMD-P	94-10-010	296-32-360	AMD-P	94-10-010	296-155-125	AMD-P	94-10-010
296-24-69001	AMD-P	94-10-010	296-37-510	AMD-P	94-10-010	296-155-140	AMD-P	94-10-010
296-24-69011	AMD-P	94-10-010	296-37-512	AMD-P	94-10-010	296-155-150	AMD-P	94-10-010
296-24-69503	AMD-P	94-10-010	296-37-575	AMD-P	94-10-010	296-155-160	AMD-P	94-10-010
296-24-70007	AMD-P	94-10-010	296-45-65009	AMD-P	94-11-124	296-155-174	AMD-P	94-10-010
296-24-71503	AMD-P	94-10-010	296-54-507	AMD-P	94-11-124	296-155-180	AMD-P	94-11-124
296-24-71507	AMD-P	94-10-010	296-59-005	AMD-P	94-11-124	296-155-200	AMD-P	94-10-010
296-24-71513	AMD-P	94-10-010	296-62-020	AMD-P	94-10-010	296-155-203	AMD-P	94-10-010
296-24-71517	AMD-P	94-10-010	296-62-05403	AMD-P	94-11-124	296-155-20301	AMD-P	94-10-010
296-24-71519	AMD-P	94-10-010	296-62-05405	AMD-P	94-11-124	296-155-20307	AMD-P	94-10-010
296-24-73501	AMD	94-06-068	296-62-05407	AMD-P	94-11-124	296-155-212	AMD-P	94-10-010
296-24-73505	AMD-P	94-10-010	296-62-05409	AMD-P	94-11-124	296-155-215	AMD-P	94-10-010
296-24-73509	AMD-P	94-10-010	296-62-05411	AMD-P	94-11-124	296-155-235	AMD-P	94-10-010
296-24-75001	AMD-P	94-10-010	296-62-05413	AMD-P	94-11-124	296-155-24510	AMD-P	94-10-010
296-24-78009	AMD-P	94-10-010	296-62-05415	AMD-P	94-11-124	296-155-260	AMD-P	94-10-010
296-24-79505	AMD-P	94-10-010	296-62-05417	AMD-P	94-11-124	296-155-280	AMD-P	94-10-010
296-24-79507	AMD-P	94-10-010	296-62-05419	AMD-P	94-11-124	296-155-315	AMD-P	94-10-010
296-24-81001	AMD-P	94-10-010	296-62-05421	AMD-P	94-11-124	296-155-325	AMD-P	94-10-010
296-24-81009	AMD-P	94-10-010	296-62-05423	AMD-P	94-11-124	296-155-330	AMD-P	94-10-010
296-24-81013	AMD-P	94-10-010	296-62-05425	AMD-P	94-11-124	296-155-34920	AMD-P	94-10-010
296-24-82501	AMD-P	94-10-010	296-62-05427	AMD-P	94-11-124	296-155-360	AMD-P	94-10-010
296-24-82503	AMD-P	94-10-010	296-62-05429	NEW-P	94-11-124	296-155-36305	AMD-P	94-10-010
296-24-82513	AMD-P	94-10-010	296-62-07105	AMD-P	94-10-010	296-155-36319	AMD-P	94-10-010
296-24-82515	AMD-P	94-10-010	296-62-07302	AMD-P	94-10-010	296-155-36321	AMD-P	94-10-010
296-24-82519	AMD-P	94-10-010	296-62-07329	AMD-P	94-10-010	296-155-365	AMD-P	94-10-010
296-24-82521	AMD-P	94-10-010	296-62-07337	AMD-P	94-10-010	296-155-375	AMD-P	94-10-010
296-24-82529	AMD-P	94-10-010	296-62-07343	AMD-P	94-10-010	296-155-380	NEW-P	94-10-010
296-24-82537	AMD-P	94-10-010	296-62-07347	AMD-P	94-10-010	296-155-400	AMD-P	94-10-010
296-24-82543	AMD-P	94-10-010	296-62-07441	AMD-P	94-10-010	296-155-405	AMD-P	94-10-010
296-24-84001	AMD-P	94-10-010	296-62-07533	AMD-P	94-10-010	296-155-428	AMD-P	94-10-010
296-24-84005	AMD-P	94-10-010	296-62-07540	AMD-P	94-10-010	296-155-429	AMD-P	94-10-010
296-24-84007	AMD-P	94-10-010	296-62-07542	AMD-P	94-10-010	296-155-462	AMD-P	94-10-010
296-24-84009	AMD-P	94-10-010	296-62-07706	AMD-P	94-11-124	296-155-480	AMD-P	94-10-010
296-24-85505	AMD-P	94-10-010	296-62-07717	AMD-P	94-10-010	296-155-485	AMD-P	94-10-010
296-24-87001	AMD-P	94-10-010	296-62-07749	AMD-P	94-10-010	296-155-48523	AMD-P	94-10-010
296-24-87013	AMD-P	94-10-010	296-62-07751	AMD-P	94-10-010	296-155-48531	AMD-P	94-10-010
296-24-87015	AMD-P	94-10-010	296-62-12000	NEW	94-07-086	296-155-48533	AMD-P	94-10-010
296-24-87031	AMD-P	94-10-010	296-62-12001	NEW-W	94-07-085	296-155-505	AMD-P	94-10-010
296-24-88501	AMD-P	94-10-010	296-62-12003	NEW	94-07-086	296-155-50505	AMD-P	94-10-010
296-24-88505	AMD-P	94-10-010	296-62-12005	NEW	94-07-086	296-155-530	AMD-P	94-10-010
296-24-90001	AMD-P	94-10-010	296-62-12007	NEW	94-07-086	296-155-545	AMD-P	94-10-010
296-24-90005	AMD-P	94-10-010	296-62-12009	NEW	94-07-086	296-155-565	AMD-P	94-10-010
296-24-90009	AMD-P	94-10-010	296-62-12011	NEW-W	94-07-085	296-155-575	AMD-P	94-10-010
296-24-92003	AMD-P	94-10-010	296-62-12013	NEW-W	94-07-085	296-155-615	AMD-P	94-10-010
296-24-93503	AMD-P	94-10-010	296-62-12015	NEW-W	94-07-085	296-155-61705	AMD-P	94-10-010
296-24-94001	AMD-P	94-10-010	296-62-12017	NEW-W	94-07-085	296-155-61711	AMD-P	94-10-010
296-24-95601	AMD-P	94-10-010	296-62-12019	NEW-W	94-07-085	296-155-61713	AMD-P	94-10-010
296-24-95605	AMD-P	94-10-010	296-62-12021	NEW-W	94-07-085	296-155-620	AMD-P	94-10-010
296-24-95609	AMD-P	94-10-010	296-62-12023	NEW-W	94-07-085	296-155-625	AMD-P	94-10-010
296-24-95613	AMD-P	94-10-010	296-62-300	AMD-P	94-10-010	296-155-630	AMD-P	94-10-010
296-24-960	AMD-P	94-10-010	296-62-3020	AMD-P	94-11-124	296-155-650	AMD-P	94-10-010
296-24-975	AMD-P	94-10-010	296-62-3060	AMD-P	94-10-010	296-155-675	AMD-P	94-10-010
296-27-050	AMD-P	94-10-010	296-62-3120	AMD-P	94-10-010	296-155-680	AMD-P	94-10-010
296-27-060	AMD-P	94-10-010	296-62-3140	AMD-P	94-11-124	296-155-682	AMD-P	94-10-010
296-27-070	AMD-P	94-10-010	296-62-40015	AMD-P	94-10-010	296-155-684	AMD-P	94-10-010
296-27-078	AMD-P	94-10-010	296-62-40025	AMD-P	94-10-010	296-155-691	AMD-P	94-10-010
296-27-080	AMD-P	94-10-010	296-104-281	NEW-E	94-04-006	296-155-699	AMD-P	94-10-010
296-27-090	AMD-P	94-10-010	296-104-281	NEW-P	94-05-072	296-155-700	AMD-P	94-10-010
296-27-110	AMD-P	94-10-010	296-116-185	RESCIND	94-05-005	296-155-715	AMD-P	94-10-010
296-27-120	AMD-P	94-10-010	296-116-185	AMD	94-05-006	296-155-730	AMD-P	94-10-010
296-27-140	AMD-P	94-10-010	296-116-300	AMD-P	94-08-056	296-155-745	AMD-P	94-10-010
296-27-15501	AMD-P	94-10-010	296-116-300	AMD	94-12-044	296-155-74501	AMD-P	94-10-010
296-27-15503	AMD-P	94-10-010	296-116-500	NEW-P	94-04-119	296-155-775	AMD-P	94-10-010
296-27-15505	AMD-P	94-10-010	296-116-500	NEW	94-07-079	296-155-785	AMD-P	94-10-010
296-27-16020	AMD-P	94-10-010	296-155-001	AMD-P	94-10-010	296-155-800	AMD-P	94-10-010
296-32-210	AMD-P	94-10-010	296-155-006	AMD-P	94-10-010	296-155-955	AMD-P	94-10-010
296-32-220	AMD-P	94-10-010	296-155-010	AMD-P	94-10-010	296-305-025	AMD-P	94-11-124
296-32-230	AMD-P	94-10-010	296-155-012	AMD-P	94-10-010	296-306-003	AMD-W	94-10-007
296-32-270	AMD-P	94-10-010	296-155-015	AMD-P	94-10-010	296-306-010	AMD	94-06-068

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306-012	AMD	94-06-068	296-350-030	AMD-P	94-10-010	308-128D-010	AMD	94-04-050
296-306-015	AMD	94-06-068	296-350-040	AMD-P	94-10-010	308-128D-030	AMD	94-04-050
296-306-020	AMD	94-06-068	296-350-050	AMD-P	94-10-010	308-128D-040	AMD	94-04-050
296-306-025	REP-W	94-10-007	296-350-070	AMD-P	94-10-010	308-128D-070	AMD	94-04-050
296-306-030	AMD-W	94-10-007	296-350-200	AMD-P	94-10-010	308-128E-011	AMD	94-04-050
296-306-045	REP-W	94-10-007	296-350-210	AMD-P	94-10-010	308-128F-020	AMD	94-04-050
296-306-050	REP-W	94-10-007	296-350-230	AMD-P	94-10-010	308-330-418	NEW-W	94-09-002
296-306-055	REP-W	94-10-007	296-350-240	AMD-P	94-10-010	314-10-070	NEW-W	94-08-010
296-306-057	AMD	94-06-068	296-350-250	AMD-P	94-10-010	314-10-070	NEW-W	94-08-023
296-306-060	AMD-W	94-10-007	296-350-255	AMD-P	94-10-010	314-12-142	NEW-W	94-06-021
296-306-061	AMD-E	94-06-044	296-350-260	AMD-P	94-10-010	314-12-185	NEW-P	94-05-094
296-306-061	REP-W	94-10-007	296-350-280	AMD-P	94-10-010	314-12-185	NEW-W	94-08-029
296-306-061	AMD-P	94-12-095	296-350-350	AMD-P	94-10-010	314-12-190	NEW-P	94-10-066
296-306-06101	NEW-P	94-12-095	296-350-35010	AMD-P	94-10-010	314-16-010	REP-P	94-07-125
296-306-06103	NEW-P	94-12-095	296-350-35055	AMD-P	94-10-010	314-16-010	REP	94-10-035
296-306-06105	NEW-P	94-12-095	296-350-400	AMD-P	94-10-010	314-16-050	AMD-P	94-05-096
296-306-06107	NEW-P	94-12-095	296-350-450	AMD-P	94-10-010	314-16-050	AMD	94-08-031
296-306-06109	NEW-P	94-12-095	296-350-460	AMD-P	94-10-010	314-16-111	NEW-P	94-10-067
296-306-065	REP-W	94-10-007	296-350-470	AMD-P	94-10-010	314-16-150	AMD-P	94-05-093
296-306-070	REP-W	94-10-007	296-350-500	AMD-P	94-10-010	314-16-150	AMD	94-08-030
296-306-075	REP-W	94-10-007	296-360-005	AMD-P	94-10-010	314-16-199	NEW-P	94-10-004
296-306-075	AMD-P	94-12-095	296-360-040	AMD-P	94-10-010	314-24-230	AMD-P	94-07-124
296-306-07501	NEW-P	94-12-095	296-360-050	AMD-P	94-10-010	314-24-230	AMD	94-10-034
296-306-07503	NEW-P	94-12-095	296-360-080	AMD-P	94-10-010	314-25-010	NEW-P	94-05-095
296-306-080	REP-W	94-10-007	296-360-090	AMD-P	94-10-010	314-25-010	NEW	94-08-032
296-306-080	AMD-P	94-12-095	296-360-140	AMD-P	94-10-010	314-25-020	NEW-P	94-05-095
296-306-084	REP-W	94-10-007	304-12-030	AMD	94-11-023	314-25-020	NEW	94-08-032
296-306-085	REP-W	94-10-007	308-13-150	AMD	94-04-044	314-25-030	NEW-P	94-05-095
296-306-090	REP-W	94-10-007	308-13-160	AMD	94-04-044	314-25-030	NEW	94-08-032
296-306-095	REP-W	94-10-007	308-18-150	AMD-P	94-09-018	314-25-040	NEW-P	94-05-095
296-306-100	REP-W	94-10-007	308-18-150	AMD-W	94-11-026	314-25-040	NEW	94-08-032
296-306-110	AMD	94-06-068	308-56A-322	NEW-W	94-08-057	314-25-050	NEW-P	94-10-003
296-306-115	AMD	94-06-068	308-56A-323	NEW-W	94-08-057	314-44-015	NEW-P	94-11-087
296-306-120	AMD	94-06-068	308-62-010	REP-P	94-04-017	314-52-115	AMD	94-06-022
296-306-125	REP-W	94-10-007	308-62-010	REP	94-08-025	314-60-010	AMD	94-03-060
296-306-130	REP-W	94-10-007	308-62-020	REP-P	94-04-017	314-60-020	AMD	94-03-060
296-306-135	REP-W	94-10-007	308-62-020	REP	94-08-025	314-60-030	AMD	94-03-060
296-306-140	REP-W	94-10-007	308-62-030	REP-P	94-04-017	314-60-080	AMD	94-03-060
296-306-145	AMD-E	94-06-044	308-62-030	REP	94-08-025	314-60-105	AMD	94-03-060
296-306-145	REP-W	94-10-007	308-65-040	AMD-P	94-07-037	314-60-110	AMD	94-03-060
296-306-145	AMD-P	94-12-095	308-65-040	AMD	94-12-052	314-64-060	REP-P	94-11-085
296-306-14501	NEW-E	94-06-044	308-65-070	AMD-P	94-07-037	314-64-080	AMD-P	94-11-086
296-306-14501	NEW-P	94-12-095	308-65-070	AMD	94-12-052	315-02-120	REP	94-03-020
296-306-14503	NEW-E	94-06-044	308-65-160	AMD-P	94-07-037	315-04-180	AMD	94-03-020
296-306-14503	NEW-P	94-12-095	308-65-160	AMD	94-12-052	315-04-180	AMD-P	94-07-116
296-306-14505	NEW-E	94-06-044	308-72-543	NEW-P	94-02-076	315-04-180	AMD	94-11-027
296-306-14505	NEW-P	94-12-095	308-72-543	NEW	94-11-055	315-04-210	AMD	94-03-020
296-306-14507	NEW-E	94-06-044	308-72-660	AMD-P	94-02-076	315-04-210	AMD-P	94-07-116
296-306-14507	NEW-P	94-12-095	308-72-660	AMD	94-11-055	315-04-210	AMD	94-11-027
296-306-14509	NEW-E	94-06-044	308-72-665	NEW-P	94-02-076	315-06-035	AMD	94-03-020
296-306-14509	NEW-P	94-12-095	308-72-665	NEW	94-11-055	315-06-120	AMD-P	94-12-082
296-306-14511	NEW-E	94-06-044	308-72-690	AMD-P	94-02-076	315-06-130	AMD-P	94-12-082
296-306-14511	NEW-P	94-12-095	308-72-690	AMD	94-11-055	315-06-140	REP	94-03-020
296-306-14513	NEW-P	94-12-095	308-77-010	AMD-P	94-02-075	315-06-150	REP	94-03-020
296-306-14515	NEW-P	94-12-095	308-77-010	AMD	94-11-029	315-06-160	REP	94-03-020
296-306-160	AMD	94-06-068	308-77-060	AMD-P	94-02-075	315-06-170	AMD	94-03-020
296-306-165	AMD-E	94-06-044	308-77-060	AMD	94-11-029	315-06-180	REP	94-03-020
296-306-165	AMD-W	94-10-007	308-77-095	AMD-P	94-02-075	315-06-190	AMD	94-03-020
296-306-165	AMD-P	94-12-095	308-77-095	AMD	94-11-029	315-10-030	AMD	94-03-020
296-306-170	AMD-E	94-06-044	308-77-155	NEW-P	94-02-075	315-10-060	AMD	94-03-020
296-306-170	AMD-P	94-12-095	308-77-155	NEW	94-11-029	315-10-080	AMD	94-03-020
296-306-175	AMD-E	94-06-044	308-77-250	AMD-P	94-02-075	315-11A-114	NEW	94-03-019
296-306-175	AMD-W	94-10-007	308-77-250	AMD	94-11-029	315-11A-115	NEW	94-03-019
296-306-175	AMD-P	94-12-095	308-93-073	AMD-W	94-03-018	315-11A-116	NEW	94-03-019
296-306-180	AMD-E	94-06-044	308-93-280	AMD-W	94-03-018	315-11A-117	NEW	94-03-019
296-306-180	AMD-P	94-12-095	308-93-330	AMD-W	94-03-018	315-11A-117	AMD-P	94-07-116
296-306-200	AMD	94-06-068	308-93-630	REP-W	94-03-018	315-11A-117	AMD	94-11-027
296-306-25007	AMD	94-06-068	308-125-075	NEW-P	94-12-041	315-11A-118	NEW-P	94-03-099
296-306-260	AMD	94-06-068	308-128A-020	AMD	94-04-050	315-11A-118	NEW	94-07-029
296-306-265	AMD	94-06-068	308-128A-030	AMD	94-04-050	315-11A-118	AMD-P	94-12-082
296-306-300	AMD-W	94-10-007	308-128A-040	AMD	94-04-050	315-11A-119	NEW-P	94-03-099
296-306-400	AMD	94-06-068	308-128C-040	AMD	94-04-050	315-11A-119	NEW	94-07-029
296-350-010	AMD-P	94-10-010	308-128C-050	AMD	94-04-050	315-11A-119	AMD-P	94-12-082



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #					
315-11A-120	NEW-P	94-03-099		332-18-05004	NEW-P	94-09-062		352-74-040	AMD-P	94-03-089
315-11A-120	NEW	94-07-029		332-18-05005	NEW-P	94-09-062		352-74-040	AMD-C	94-06-020
315-11A-120	AMD-P	94-12-082		332-18-05006	NEW-P	94-09-062		352-74-040	AMD	94-08-005
315-11A-121	NEW-P	94-03-099		332-18-05007	NEW-P	94-09-062		352-76-010	NEW-P	94-10-070
315-11A-121	NEW	94-07-029		332-18-05008	NEW-P	94-09-062		352-76-020	NEW-P	94-10-070
315-11A-122	NEW-P	94-07-116		332-18-05009	NEW-P	94-09-062		352-76-030	NEW-P	94-10-070
315-11A-122	NEW	94-11-027		332-18-060	REP-P	94-09-062		352-76-040	NEW-P	94-10-070
315-11A-123	NEW-P	94-07-116		332-18-070	REP-P	94-09-062		352-76-050	NEW-P	94-10-070
315-11A-123	NEW	94-11-027		332-18-080	REP-P	94-09-062		352-76-060	NEW-P	94-10-070
315-11A-124	NEW-P	94-07-116		332-18-090	REP-P	94-09-062		352-76-070	NEW-P	94-10-070
315-11A-124	NEW	94-11-027		332-18-100	REP-P	94-09-062		352-76-080	NEW-P	94-10-070
315-11A-125	NEW-P	94-07-116		332-18-110	REP-P	94-09-062		356-05-477	NEW	94-04-011
315-11A-125	NEW	94-11-027		332-18-120	AMD-P	94-09-062		356-05-479	NEW	94-04-011
315-11A-126	NEW-P	94-07-116		332-18-130	AMD-P	94-09-062		356-06-045	NEW	94-04-011
315-11A-126	NEW	94-11-027		332-18-140	NEW-P	94-09-062		356-09	NEW-C	94-04-086
315-11A-127	NEW-P	94-12-082		332-18-150	NEW-P	94-09-062		356-09-010	REP-W	94-04-010
315-11A-128	NEW-P	94-12-082		332-24-221	AMD-P	94-08-093		356-09-020	REP-W	94-04-010
315-11A-129	NEW-P	94-12-082		332-26-080	NEW-E	94-09-020		356-09-030	REP-W	94-04-010
315-11A-130	NEW-P	94-12-082		332-120-010	AMD	94-06-034		356-09-040	REP-W	94-04-010
315-30-030	AMD	94-03-020		332-120-020	AMD	94-06-034		356-09-050	REP-W	94-04-010
315-34-040	AMD-P	94-03-099		332-120-030	AMD	94-06-034		356-10-020	AMD-P	94-12-060
315-34-040	AMD	94-07-029		332-120-040	AMD	94-06-034		356-10-040	AMD-P	94-12-060
317-20	PREP	94-12-025		332-120-050	AMD	94-06-034		356-10-045	AMD-P	94-12-060
317-40-010	NEW-P	94-12-093		332-120-060	NEW	94-06-034		356-10-050	AMD-P	94-12-060
317-40-020	NEW-P	94-12-093		332-120-070	NEW	94-06-034		356-26-030	AMD-E	94-04-085
317-40-030	NEW-P	94-12-093		352-28	AMD-P	94-06-049		356-26-030	AMD-P	94-06-066
317-40-040	NEW-P	94-12-093		352-28	AMD	94-10-012		356-26-030	AMD	94-10-008
317-40-050	NEW-P	94-12-093		352-28-005	AMD-P	94-06-049		356-26-070	AMD-E	94-04-085
317-40-060	NEW-P	94-12-093		352-28-005	AMD	94-10-012		356-26-070	AMD-P	94-06-066
317-40-065	NEW-P	94-12-093		352-28-010	AMD-P	94-06-049		356-26-070	AMD	94-10-008
317-40-070	NEW-P	94-12-093		352-28-010	AMD	94-10-012		356-30-285	NEW	94-04-011
317-40-080	NEW-P	94-12-093		352-32-010	AMD-P	94-03-097		356-30-315	NEW	94-04-011
317-40-085	NEW-P	94-12-093		352-32-010	AMD-C	94-06-010		356-30-328	NEW-W	94-04-009
317-40-090	NEW-P	94-12-093		352-32-010	AMD	94-08-036		356-30-331	REP-P	94-12-056
317-40-100	NEW-P	94-12-093		352-32-045	AMD-P	94-03-097		356-37-080	AMD-P	94-04-084
317-40-110	NEW-P	94-12-093		352-32-045	AMD-C	94-06-010		356-37-080	AMD	94-08-024
317-40-120	NEW-P	94-12-093		352-32-045	AMD	94-08-036		356-37-090	AMD-P	94-04-084
317-40-130	NEW-P	94-12-093		352-32-195	AMD-P	94-12-064		356-37-090	AMD	94-08-024
317-40-140	NEW-P	94-12-093		352-32-210	AMD-P	94-10-069		356-56-015	AMD-E	94-03-069
317-40-150	NEW-P	94-12-093		352-32-250	AMD-P	94-03-097		356-56-015	AMD-P	94-06-064
317-40-900	NEW-P	94-12-093		352-32-250	AMD-C	94-06-010		356-56-015	AMD	94-09-012
317-40-910	NEW-P	94-12-093		352-32-250	AMD	94-08-036		356-56-015	AMD-P	94-09-065
326-02-030	AMD-P	94-08-107		352-32-250	AMD-E	94-09-009		356-56-015	AMD	94-12-055
326-02-030	AMD	94-11-116		352-32-250	AMD-P	94-10-048		356-56-021	AMD-P	94-09-065
326-02-034	NEW	94-11-113		352-32-25001	AMD	94-04-075		356-56-021	AMD	94-12-055
326-02-050	AMD-P	94-08-107		352-32-252	AMD-P	94-03-097		356-56-030	AMD-P	94-06-064
326-02-050	AMD	94-11-117		352-32-252	AMD-C	94-06-010		356-56-030	AMD	94-09-012
326-20-120	AMD-P	94-08-108		352-32-252	AMD	94-08-036		356-56-035	AMD-P	94-09-065
326-20-120	AMD	94-11-114		352-32-255	AMD-P	94-03-097		356-56-035	AMD	94-12-055
326-20-125	AMD-P	94-08-108		352-32-255	AMD-C	94-06-010		356-56-050	AMD-P	94-09-065
326-20-125	AMD	94-11-115		352-32-255	AMD	94-08-036		356-56-050	AMD	94-12-055
326-30-041	AMD	94-03-068		352-32-320	NEW-P	94-03-097		356-56-105	AMD-P	94-09-065
326-30-051	AMD	94-07-064		352-32-320	NEW-C	94-06-010		356-56-105	AMD	94-12-055
326-40-030	AMD-P	94-08-109		352-32-320	NEW	94-08-036		356-56-110	NEW-W	94-11-071
326-40-030	AMD	94-11-118		352-60	AMD-P	94-12-065		356-56-115	AMD-P	94-06-064
326-40-040	AMD-S	94-08-110		352-60-010	AMD-P	94-12-065		356-56-115	AMD	94-09-012
326-40-040	AMD	94-11-119		352-60-020	AMD-P	94-12-065		356-56-115	AMD-P	94-09-065
326-40-060	AMD	94-07-064		352-60-030	AMD-P	94-12-065		356-56-115	AMD	94-12-055
332-18	AMD-P	94-09-062		352-60-040	AMD-P	94-12-065		356-56-120	AMD-P	94-09-065
332-18-010	AMD-P	94-09-062		352-60-050	AMD-P	94-12-065		356-56-120	AMD	94-12-055
332-18-01001	NEW-P	94-09-062		352-60-060	AMD-P	94-12-065		356-56-205	AMD-P	94-09-065
332-18-01002	NEW-P	94-09-062		352-60-065	NEW-P	94-12-065		356-56-205	AMD	94-12-055
332-18-01003	NEW-P	94-09-062		352-60-066	NEW-P	94-12-065		356-56-210	AMD-P	94-09-065
332-18-01004	NEW-P	94-09-062		352-60-070	AMD-P	94-12-065		356-56-210	AMD	94-12-055
332-18-01005	NEW-P	94-09-062		352-60-080	AMD-P	94-12-065		356-56-220	AMD-P	94-09-065
332-18-015	REP-P	94-09-062		352-60-090	AMD-P	94-12-065		356-56-220	AMD	94-12-055
332-18-020	REP-P	94-09-062		352-60-120	NEW-P	94-12-065		356-56-230	AMD-E	94-03-069
332-18-030	REP-P	94-09-062		352-60-130	NEW-P	94-12-065		356-56-230	AMD-P	94-06-064
332-18-040	REP-P	94-09-062		352-65-010	AMD	94-04-076		356-56-230	AMD	94-09-012
332-18-050	AMD-P	94-09-062		352-65-020	AMD	94-04-076		356-56-240	NEW-P	94-11-071
332-18-05001	NEW-P	94-09-062		352-65-030	AMD	94-04-076		356-56-250	NEW-P	94-11-071
332-18-05002	NEW-P	94-09-062		352-65-040	AMD	94-04-076		356-56-275	NEW-P	94-11-071
332-18-05003	NEW-P	94-09-062		352-65-060	AMD	94-04-076		356-56-300	NEW-P	94-11-071

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
356-56-550	AMD-P	94-09-065	388-24-065	REP	94-10-065	388-28-005	REP	94-10-065
356-56-550	AMD	94-12-055	388-24-070	REP-P	94-07-114	388-28-300	REP-P	94-07-114
359-09-010	AMD	94-06-063	388-24-070	REP	94-10-065	388-28-300	REP	94-10-065
359-09-012	AMD	94-06-063	388-24-074	REP-P	94-07-114	388-28-350	REP-P	94-07-114
359-09-015	AMD	94-06-063	388-24-074	REP	94-10-065	388-28-350	REP	94-10-065
359-09-020	AMD	94-06-063	388-24-090	REP-P	94-07-114	388-28-355	REP-P	94-07-114
359-09-030	AMD	94-06-063	388-24-090	REP	94-10-065	388-28-355	REP	94-10-065
359-09-040	AMD	94-06-063	388-24-108	REP-P	94-07-114	388-28-360	REP-P	94-07-114
359-09-050	AMD	94-06-063	388-24-108	REP	94-10-065	388-28-360	REP	94-10-065
359-39	NEW-C	94-10-009	388-24-109	REP-P	94-07-114	388-28-365	REP-P	94-07-114
359-39-010	NEW-P	94-06-065	388-24-109	REP	94-10-065	388-28-365	REP	94-10-065
359-39-020	NEW-P	94-06-065	388-24-111	AMD	94-04-034	388-28-370	REP	94-04-043
359-39-030	NEW-P	94-06-065	388-24-111	REP-P	94-07-114	388-28-370	REP-P	94-07-114
359-39-040	NEW-P	94-06-065	388-24-111	REP	94-10-065	388-28-370	REP	94-10-065
359-39-050	NEW-P	94-06-065	388-24-125	REP-P	94-07-114	388-28-380	REP-P	94-07-114
359-39-090	NEW-P	94-06-065	388-24-125	REP	94-10-065	388-28-380	REP	94-10-065
359-39-140	NEW-P	94-06-065	388-24-200	REP-P	94-07-114	388-28-385	REP-P	94-07-114
371-08-010	AMD-E	94-07-061	388-24-200	REP	94-10-065	388-28-385	REP	94-10-065
371-08-010	AMD-P	94-07-098	388-24-207	REP-P	94-07-114	388-28-390	AMD-P	94-05-069
371-08-010	AMD	94-12-027	388-24-207	REP	94-10-065	388-28-390	REP-P	94-07-114
371-08-061	NEW-E	94-07-061	388-24-210	REP-P	94-07-114	388-28-390	AMD	94-08-015
371-08-061	NEW-P	94-07-098	388-24-210	REP	94-10-065	388-28-390	REP	94-10-065
371-08-061	NEW	94-12-027	388-24-215	REP-P	94-07-114	388-28-392	REP-P	94-07-114
371-08-147	AMD-E	94-07-061	388-24-215	REP	94-10-065	388-28-392	REP	94-10-065
371-08-147	AMD-P	94-07-098	388-24-220	REP-P	94-07-114	388-28-400	REP-P	94-07-114
371-08-147	AMD	94-12-027	388-24-220	REP	94-10-065	388-28-400	REP	94-10-065
371-08-162	AMD-E	94-07-061	388-24-225	REP-P	94-07-114	388-28-410	REP-P	94-07-114
371-08-162	AMD-P	94-07-098	388-24-225	REP	94-10-065	388-28-410	REP	94-10-065
371-08-162	AMD	94-12-027	388-24-235	REP-P	94-07-114	388-28-415	REP-P	94-07-114
371-08-165	AMD-E	94-07-061	388-24-235	REP	94-10-065	388-28-415	REP	94-10-065
371-08-165	AMD-P	94-07-098	388-24-243	REP-P	94-07-114	388-28-420	REP-P	94-07-114
371-08-165	AMD	94-12-027	388-24-243	REP	94-10-065	388-28-420	REP	94-10-065
371-08-167	NEW-E	94-07-061	388-24-250	REP-P	94-03-051	388-28-425	REP-P	94-07-114
371-08-167	NEW-P	94-07-098	388-24-250	REP	94-06-026	388-28-425	REP	94-10-065
371-08-167	NEW	94-12-027	388-24-252	REP-P	94-03-051	388-28-435	REP-P	94-07-114
371-08-197	NEW-E	94-07-061	388-24-252	REP	94-06-026	388-28-435	REP	94-10-065
371-08-197	NEW-P	94-07-098	388-24-253	REP-P	94-03-051	388-28-438	REP-P	94-07-114
371-08-197	NEW	94-12-027	388-24-253	REP	94-06-026	388-28-438	REP	94-10-065
388-11-065	AMD-P	94-07-081	388-24-254	REP-P	94-03-051	388-28-439	AMD-P	94-03-055
388-11-065	AMD	94-10-033	388-24-254	REP	94-06-026	388-28-439	AMD	94-06-024
388-11-067	NEW-P	94-07-081	388-24-255	REP-P	94-03-051	388-28-439	REP-P	94-07-114
388-11-067	NEW	94-10-033	388-24-255	REP	94-06-026	388-28-439	REP	94-10-065
388-11-205	AMD-P	94-07-041	388-24-260	REP-P	94-03-051	388-28-440	REP-P	94-07-114
388-11-205	AMD-E	94-07-042	388-24-260	REP	94-06-026	388-28-440	REP	94-10-065
388-11-205	AMD	94-10-064	388-24-265	REP-P	94-03-051	388-28-450	REP-P	94-07-114
388-14-205	AMD-P	94-11-112	388-24-265	REP	94-06-026	388-28-450	REP	94-10-065
388-14-300	AMD-P	94-11-112	388-24-550	REP-P	94-07-114	388-28-457	REP	94-04-043
388-14-310	AMD-P	94-11-112	388-24-550	REP	94-10-065	388-28-458	REP	94-04-043
388-14-385	AMD-P	94-11-110	388-26-025	REP-P	94-07-114	388-28-459	REP	94-04-043
388-14-390	AMD-P	94-11-112	338-26-025	REP	94-10-065	388-28-460	REP	94-04-043
388-15-214	AMD-P	94-07-082	388-26-040	REP-P	94-07-114	388-28-461	REP	94-04-043
388-15-214	AMD	94-10-025	338-26-040	REP	94-10-065	388-28-462	REP	94-04-043
388-20-010	REP-P	94-07-114	388-26-050	REP-P	94-07-114	388-28-463	REP	94-04-043
388-20-010	REP	94-10-065	338-26-050	REP	94-10-065	388-28-464	REP	94-04-043
388-22-030	AMD-P	94-04-042	388-26-055	REP-P	94-07-114	388-28-465	REP	94-04-043
388-22-030	AMD	94-08-022	338-26-055	REP	94-10-065	388-28-470	REP	94-04-043
388-24-040	REP-P	94-07-114	388-26-060	REP-P	94-07-114	388-28-471	REP	94-04-043
388-24-040	REP	94-10-065	338-26-060	REP	94-10-065	388-28-472	REP	94-04-043
388-24-042	REP-P	94-07-114	388-26-065	REP-P	94-07-114	388-28-473	REP	94-04-043
388-24-042	REP	94-10-065	338-26-065	REP	94-10-065	388-28-474	AMD-P	94-05-018
388-24-044	AMD-P	94-05-017	388-26-070	REP-P	94-07-114	388-28-474	REP-P	94-07-114
388-24-044	REP-P	94-07-114	338-26-070	REP	94-10-065	388-28-474	AMD	94-08-018
388-24-044	AMD	94-08-017	388-26-080	REP-P	94-07-114	388-28-474	REP	94-10-065
388-24-044	REP	94-10-065	338-26-080	REP	94-10-065	388-28-475	REP-P	94-07-114
388-24-050	REP-P	94-07-114	388-26-105	REP-P	94-07-114	388-28-475	REP	94-10-065
388-24-050	REP	94-10-065	338-26-105	REP	94-10-065	388-28-480	REP-P	94-07-114
388-24-052	REP-P	94-07-114	388-26-120	REP-P	94-07-114	388-28-480	REP	94-10-065
388-24-052	REP	94-10-065	338-26-120	REP	94-10-065	388-28-481	REP-P	94-07-114
388-24-055	REP-P	94-07-114	388-26-145	REP-P	94-07-114	388-28-481	REP	94-10-065
388-24-055	REP	94-10-065	338-26-145	REP	94-10-065	388-28-482	REP-P	94-07-114
388-24-060	REP-P	94-07-114	388-26-149	REP-P	94-07-114	388-28-482	REP	94-10-065
388-24-060	REP	94-10-065	338-26-149	REP	94-10-065	388-28-483	REP-P	94-07-114
388-24-065	REP-P	94-07-114	388-28-005	REP-P	94-07-114	388-28-483	REP	94-10-065

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-28-484	AMD-P	94-05-029	388-29-210	REP	94-09-001	388-33-385	REP	94-10-065
388-28-484	REP-P	94-07-114	388-29-220	REP-P	94-06-035	388-33-387	REP-P	94-07-114
388-28-484	AMD	94-08-020	388-29-220	REP	94-09-001	388-33-387	REP	94-10-065
388-28-484	REP	94-10-065	388-29-230	REP-P	94-06-035	388-33-389	REP-P	94-07-114
388-28-485	REP-P	94-07-114	388-29-230	REP	94-09-001	388-33-389	REP	94-10-065
388-28-485	REP	94-10-065	388-29-270	REP-P	94-06-035	388-33-400	REP-P	94-07-114
388-28-500	REP-P	94-07-114	388-29-270	REP	94-09-001	388-33-400	REP	94-10-065
388-28-500	REP	94-10-065	388-29-280	REP-P	94-06-035	388-33-420	REP-P	94-07-114
388-28-515	REP-P	94-07-114	388-29-280	REP	94-09-001	388-33-420	REP	94-10-065
388-28-515	REP	94-10-065	388-29-295	AMD	94-04-035	388-33-425	REP-P	94-07-114
388-28-520	REP-P	94-07-114	388-29-295	REP-P	94-06-035	388-33-425	REP	94-10-065
388-28-520	REP	94-10-065	388-29-295	REP	94-09-001	388-33-430	REP-P	94-07-114
388-28-530	AMD-P	94-05-016	388-33-015	REP-P	94-07-114	388-33-430	REP	94-10-065
388-28-530	REP-P	94-07-114	388-33-015	REP	94-10-065	388-33-440	REP-P	94-07-114
388-28-530	AMD	94-08-016	388-33-020	REP-P	94-07-114	388-33-440	REP	94-10-065
388-28-530	REP	94-10-065	388-33-020	REP	94-10-065	388-33-442	REP-P	94-07-114
388-28-532	REP-P	94-07-114	388-33-025	REP-P	94-07-114	388-33-442	REP	94-10-065
388-28-532	REP	94-10-065	388-33-025	REP	94-10-065	388-33-444	REP-P	94-07-114
388-28-535	REP-P	94-07-114	388-33-045	REP-P	94-07-114	388-33-444	REP	94-10-065
388-28-535	REP	94-10-065	388-33-045	REP	94-10-065	388-33-446	REP-P	94-07-114
388-28-555	REP-P	94-07-114	388-33-050	REP-P	94-07-114	388-33-446	REP	94-10-065
388-28-555	REP	94-10-065	388-33-050	REP	94-10-065	388-33-447	REP-P	94-07-114
388-28-560	AMD-P	94-05-019	388-33-051	REP-P	94-07-114	388-33-447	REP	94-10-065
388-28-560	REP-P	94-07-114	388-33-051	REP	94-10-065	388-33-448	REP-P	94-07-114
388-28-560	AMD	94-08-019	388-33-055	REP-P	94-07-114	388-33-448	REP	94-10-065
388-28-560	REP	94-10-065	388-33-055	REP	94-10-065	388-33-449	REP-P	94-07-114
388-28-570	REP-P	94-07-114	388-33-080	REP-P	94-07-114	388-33-449	REP	94-10-065
388-28-570	REP	94-10-065	388-33-080	REP	94-10-065	388-33-450	REP-P	94-07-114
388-28-575	AMD-P	94-05-054	388-33-085	REP-P	94-07-114	388-33-450	REP	94-10-065
388-28-575	REP-P	94-07-114	388-33-085	REP	94-10-065	388-33-453	REP-P	94-07-114
388-28-575	AMD	94-08-021	388-33-090	REP-P	94-07-114	388-33-453	REP	94-10-065
388-28-575	REP	94-10-065	388-33-090	REP	94-10-065	388-33-455	REP-P	94-07-114
388-28-578	REP-P	94-07-114	388-33-095	REP-P	94-07-114	388-33-455	REP	94-10-065
388-28-578	REP	94-10-065	388-33-095	REP	94-10-065	388-33-457	REP-P	94-07-114
388-28-580	REP-P	94-07-114	388-33-115	REP-P	94-07-114	388-33-457	REP	94-10-065
388-28-580	REP	94-10-065	388-33-115	REP	94-10-065	388-33-458	REP-P	94-07-114
388-28-590	REP-P	94-07-114	388-33-120	REP-P	94-07-114	388-33-458	REP	94-10-065
388-28-590	REP	94-10-065	388-33-120	REP	94-10-065	388-33-459	REP-P	94-07-114
388-28-600	AMD-P	94-04-042	388-33-125	REP-P	94-07-114	388-33-459	REP	94-10-065
388-28-600	REP-P	94-07-114	388-33-125	REP	94-10-065	388-33-460	REP-P	94-07-114
388-28-600	AMD	94-08-022	388-33-135	REP-P	94-07-114	388-33-460	REP	94-10-065
388-28-600	REP	94-10-065	388-33-135	REP	94-10-065	388-33-525	REP-P	94-07-114
388-28-650	REP-P	94-07-114	388-33-140	REP-P	94-07-114	388-33-525	REP	94-10-065
388-28-650	REP	94-10-065	388-33-140	REP	94-10-065	388-33-535	REP-P	94-07-114
388-29-001	REP-P	94-06-035	388-33-165	REP-P	94-07-114	388-33-535	REP	94-10-065
388-29-001	REP	94-09-001	388-33-165	REP	94-10-065	388-33-545	REP-P	94-07-114
388-29-005	REP-P	94-06-035	388-33-170	REP-P	94-07-114	388-33-545	REP	94-10-065
388-29-005	REP	94-09-001	388-33-170	REP	94-10-065	388-33-550	REP-P	94-07-114
388-29-010	REP-P	94-06-035	388-33-190	REP-P	94-07-114	388-33-550	REP	94-10-065
388-29-010	REP	94-09-001	388-33-190	REP	94-10-065	388-33-576	REP-P	94-07-114
388-29-020	REP-P	94-06-035	388-33-195	REP-P	94-07-114	388-33-576	REP	94-10-065
388-29-020	REP	94-09-001	388-33-195	REP	94-10-065	388-33-579	REP-P	94-07-114
388-29-080	REP-P	94-06-035	388-33-230	REP-P	94-07-114	388-33-579	REP	94-10-065
388-29-080	REP	94-09-001	388-33-230	REP	94-10-065	388-33-585	REP-P	94-07-114
388-29-100	REP-P	94-06-035	388-33-235	REP-P	94-07-114	388-33-585	REP	94-10-065
388-29-100	REP	94-09-001	388-33-235	REP	94-10-065	388-33-595	REP-P	94-07-114
388-29-110	REP-P	94-06-035	388-33-240	REP-P	94-07-114	388-33-595	REP	94-10-065
388-29-110	REP	94-09-001	388-33-240	REP	94-10-065	388-33-605	REP-P	94-07-114
388-29-112	REP-P	94-06-035	388-33-335	REP-P	94-07-114	388-33-605	REP	94-10-065
388-29-112	REP	94-09-001	388-33-335	REP	94-10-065	388-38-010	REP-P	94-07-114
388-29-125	REP-P	94-06-035	388-33-355	REP-P	94-07-114	388-38-010	REP	94-10-065
388-29-125	REP	94-09-001	388-33-355	REP	94-10-065	388-38-030	REP-P	94-07-114
388-29-130	REP-P	94-06-035	388-33-365	REP-P	94-07-114	388-38-030	REP	94-10-065
388-29-130	REP	94-09-001	388-33-365	REP	94-10-065	388-38-040	REP-P	94-07-114
388-29-150	REP-P	94-06-035	388-33-375	REP-P	94-07-114	388-38-040	REP	94-10-065
388-29-150	REP	94-09-001	388-33-375	REP	94-10-065	388-38-045	REP-P	94-07-114
388-29-160	REP-P	94-06-035	388-33-376	REP-P	94-07-114	388-38-045	REP	94-10-065
388-29-160	REP	94-09-001	388-33-376	REP	94-10-065	388-38-050	REP-P	94-07-114
388-29-180	REP-P	94-06-035	388-33-377	REP-P	94-07-114	388-38-050	REP	94-10-065
388-29-180	REP	94-09-001	388-33-377	REP	94-10-065	388-38-08501	REP-P	94-07-114
388-29-200	REP-P	94-06-035	388-33-382	REP-P	94-07-114	388-38-08501	REP	94-10-065
388-29-200	REP	94-09-001	388-33-382	REP	94-10-065	388-38-110	REP-P	94-07-114
388-29-210	REP-P	94-06-035	388-33-385	REP-P	94-07-114	388-38-110	REP	94-10-065

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-38-120	REP-P	94-07-114	388-59-090	REP	94-04-033	388-82-140	RESCIND	94-11-063
388-38-120	REP	94-10-065	388-59-100	REP	94-04-033	388-82-150	REP-P	94-07-114
388-38-150	REP-P	94-07-114	388-80-002	REP-P	94-07-114	388-82-150	AMD-E	94-08-043
388-38-150	REP	94-10-065	388-80-002	REP	94-10-065	388-82-150	AMD-P	94-08-044
388-38-172	REP-P	94-07-114	388-80-005	REP-P	94-07-114	388-82-150	REP	94-10-065
388-38-172	REP	94-10-065	388-80-005	REP	94-10-065	388-82-150	AMD-W	94-11-059
388-38-200	REP-P	94-07-114	388-81-005	REP-P	94-07-114	388-82-150	RESCIND	94-11-063
388-38-200	REP	94-10-065	388-81-005	REP	94-10-065	388-82-160	REP-P	94-07-114
388-38-220	REP-P	94-07-114	388-81-010	REP-P	94-07-114	388-82-160	AMD-E	94-08-043
388-38-220	REP	94-10-065	388-81-010	REP	94-10-065	388-82-160	AMD-P	94-08-044
388-38-225	REP-P	94-07-114	388-81-015	REP-P	94-07-114	388-82-160	REP	94-10-065
388-38-225	REP	94-10-065	388-81-015	REP	94-10-065	388-82-160	AMD-W	94-11-059
388-38-230	REP-P	94-07-114	388-81-017	REP-P	94-07-114	388-82-160	RESCIND	94-11-063
388-38-230	REP	94-10-065	388-81-017	REP	94-10-065	388-83-005	REP-P	94-07-114
388-38-250	REP-P	94-07-114	388-81-020	REP-P	94-07-114	388-83-005	REP	94-10-065
388-38-250	REP	94-10-065	388-81-020	REP	94-10-065	388-83-006	REP-P	94-07-114
388-38-255	REP-P	94-07-114	388-81-025	REP-P	94-07-114	388-83-006	REP	94-10-065
388-38-255	REP	94-10-065	388-81-025	REP	94-10-065	388-83-010	REP-P	94-07-114
388-38-260	REP-P	94-07-114	388-81-030	REP-P	94-07-114	388-83-010	REP	94-10-065
388-38-260	REP	94-10-065	388-81-030	REP	94-10-065	388-83-012	REP-P	94-07-114
388-38-265	REP-P	94-07-114	388-81-035	REP-P	94-07-114	388-83-012	REP	94-10-065
388-38-265	REP	94-10-065	388-81-035	REP	94-10-065	388-83-013	REP-P	94-07-114
388-38-270	REP-P	94-07-114	388-81-038	REP-P	94-07-114	388-83-013	REP	94-10-065
388-38-270	REP	94-10-065	388-81-038	REP	94-10-065	388-83-014	REP-P	94-07-114
388-38-280	REP-P	94-07-114	388-81-040	REP-P	94-07-114	388-83-014	REP	94-10-065
388-38-280	REP	94-10-065	388-81-040	REP	94-10-065	388-83-015	REP-P	94-07-114
388-38-285	REP-P	94-07-114	388-81-042	REP-P	94-07-114	388-83-015	REP	94-10-065
388-38-285	REP	94-10-065	388-81-042	REP	94-10-065	388-83-017	REP-P	94-07-114
388-38-290	REP-P	94-07-114	388-81-043	REP-P	94-07-114	388-83-017	REP	94-10-065
388-38-290	REP	94-10-065	388-81-043	REP	94-10-065	388-83-020	REP-P	94-07-114
388-38-295	REP-P	94-07-114	388-81-044	REP-P	94-07-114	388-83-020	REP	94-10-065
388-38-295	REP	94-10-065	388-81-044	REP	94-10-065	388-83-025	REP-P	94-07-114
388-43-120	NEW-E	94-04-032	388-81-047	REP-P	94-07-114	388-83-025	REP	94-10-065
388-43-120	NEW	94-04-037	388-81-047	REP	94-10-065	388-83-026	REP-P	94-07-114
388-44-010	REP	94-05-045	388-81-050	REP-P	94-07-114	388-83-026	REP	94-10-065
388-44-020	REP	94-05-045	388-81-050	REP	94-10-065	388-83-029	REP-P	94-07-114
388-44-035	REP	94-05-045	388-81-052	REP-P	94-07-114	388-83-029	REP	94-10-065
388-44-046	REP	94-05-045	388-81-052	REP	94-10-065	388-83-031	REP-P	94-07-114
388-44-050	REP	94-05-045	388-81-055	REP-P	94-07-114	388-83-031	REP	94-10-065
388-44-110	REP	94-05-045	388-81-055	REP	94-10-065	388-83-03101	REP-P	94-07-114
388-44-115	REP	94-05-045	388-81-060	REP-P	94-07-114	388-83-03101	REP	94-10-065
388-44-120	REP	94-05-045	388-81-060	REP	94-10-065	388-83-032	REP-P	94-07-114
388-44-125	REP	94-05-045	388-81-065	REP-P	94-07-114	388-83-032	AMD-E	94-08-043
388-44-127	REP	94-05-045	388-81-065	REP-E	94-08-045	388-83-032	AMD-P	94-08-044
388-44-140	REP	94-05-045	388-81-065	REP-P	94-08-046	388-83-032	REP	94-10-065
388-44-145	REP	94-05-045	388-81-065	REP	94-10-065	388-83-032	AMD-W	94-11-059
388-44-150	REP	94-05-045	388-81-065	REP-W	94-11-058	388-83-032	RESCIND	94-11-063
388-44-160	REP	94-05-045	388-81-065	RESCIND	94-11-061	388-83-033	REP-P	94-07-114
388-44-250	REP	94-05-045	388-81-070	REP-P	94-07-114	388-83-033	AMD-E	94-08-043
388-44-280	REP	94-05-045	388-81-070	REP	94-10-065	388-83-033	AMD-P	94-08-044
388-44-330	REP	94-05-045	388-81-100	REP-P	94-07-114	388-83-033	REP	94-10-065
388-49-015	AMD-P	94-11-064	388-81-100	REP	94-10-065	388-83-033	AMD-W	94-11-059
388-49-470	AMD-P	94-12-003	388-81-175	REP-P	94-07-114	388-83-033	RESCIND	94-11-063
388-49-500	AMD-P	94-07-031	388-81-200	REP-P	94-07-114	388-83-036	REP-P	94-07-114
388-49-500	AMD	94-12-042	388-82-006	REP-P	94-07-114	388-83-036	REP	94-10-065
388-49-535	AMD-P	94-03-041	388-82-006	REP	94-10-065	388-83-041	REP-P	94-07-114
388-49-535	AMD-W	94-06-023	388-82-008	REP-P	94-07-114	388-83-041	REP	94-10-065
388-49-550	AMD-P	94-12-083	388-82-008	REP	94-10-065	388-83-046	REP-P	94-07-114
388-49-590	AMD-P	94-03-050	388-82-010	REP-P	94-07-114	388-83-046	REP	94-10-065
388-49-590	AMD-C	94-06-027	388-82-010	REP	94-10-065	388-83-130	REP-P	94-07-114
388-49-590	AMD	94-07-080	388-82-115	REP-P	94-07-114	388-83-130	REP	94-10-065
388-53-010	REP	94-04-036	388-82-115	REP	94-10-065	388-83-200	REP-P	94-07-114
388-53-050	REP	94-04-036	388-82-126	REP-P	94-07-114	388-83-200	REP	94-10-065
388-59-010	REP	94-04-033	388-82-126	REP	94-10-065	388-83-210	REP-P	94-07-114
388-59-020	REP	94-04-033	388-82-130	REP-P	94-07-114	388-83-210	REP	94-10-065
388-59-030	REP	94-04-033	388-82-130	REP	94-10-065	388-83-220	REP-P	94-07-114
388-59-040	REP	94-04-033	388-82-135	REP-P	94-07-114	388-83-220	REP	94-10-065
388-59-045	REP	94-04-033	388-82-135	REP	94-10-065	388-84-105	REP-P	94-07-114
388-59-048	REP	94-04-033	388-82-140	REP-P	94-07-114	388-84-105	REP	94-10-065
388-59-050	REP	94-04-033	388-82-140	AMD-E	94-08-043	388-84-110	REP-P	94-07-114
388-59-060	REP	94-04-033	388-82-140	AMD-P	94-08-044	388-84-110	REP	94-10-065
388-59-070	REP	94-04-033	388-82-140	REP	94-10-065	388-84-115	AMD-P	94-05-026
388-59-080	REP	94-04-033	388-82-140	REP-W	94-11-059	388-84-115	REP-P	94-07-114

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-84-115	AMD	94-07-132	388-93-035	REP	94-10-065	388-96-585	AMD-P	94-07-109
388-84-115	REP	94-10-065	388-93-040	REP-P	94-07-114	388-96-585	AMD	94-12-043
388-84-120	REP-P	94-07-114	388-93-040	REP	94-10-065	388-96-704	AMD-P	94-07-109
388-84-120	REP	94-10-065	388-93-045	REP-P	94-07-114	388-96-704	AMD	94-12-043
388-85-105	REP-P	94-07-114	388-93-045	REP	94-10-065	388-96-707	REP-P	94-07-109
388-85-105	REP	94-10-065	388-93-050	REP-P	94-07-114	388-96-707	REP	94-12-043
388-85-110	REP-P	94-07-114	388-93-050	REP	94-10-065	388-96-709	AMD-P	94-07-109
388-85-110	REP	94-10-065	388-93-055	REP-P	94-07-114	388-96-709	AMD	94-12-043
388-85-115	REP-P	94-07-114	388-93-055	REP	94-10-065	388-96-710	AMD-P	94-07-109
388-85-115	REP	94-10-065	388-93-060	REP-P	94-07-114	388-96-710	AMD	94-12-043
388-86-030	AMD-C	94-04-031	388-93-060	REP	94-10-065	388-96-719	AMD-P	94-07-109
388-86-030	AMD-C	94-05-044	388-93-065	REP-P	94-07-114	388-96-719	AMD	94-12-043
388-86-030	AMD-C	94-07-021	388-93-065	REP	94-10-065	388-96-721	REP-P	94-07-109
388-86-030	AMD	94-07-122	388-93-075	REP-P	94-07-114	388-96-721	REP	94-12-043
388-86-040	REP-C	94-05-043	388-93-075	REP	94-10-065	388-96-722	AMD-P	94-07-109
388-86-040	REP	94-07-022	388-93-080	REP-P	94-07-114	388-96-722	AMD	94-12-043
388-86-04001	NEW-C	94-05-043	388-93-080	REP	94-10-065	388-96-727	AMD-P	94-07-109
388-86-04001	NEW	94-07-022	388-95-300	REP-P	94-07-114	388-96-727	AMD	94-12-043
388-86-045	AMD	94-03-052	388-95-300	REP	94-10-065	388-96-735	AMD-P	94-07-109
388-86-073	AMD-P	94-04-022	388-95-310	REP-P	94-07-114	388-96-735	AMD	94-12-043
388-86-073	AMD-E	94-04-023	388-95-310	REP	94-10-065	388-96-737	AMD-P	94-07-109
388-86-073	AMD	94-07-030	388-95-320	REP-P	94-07-114	388-96-737	AMD	94-12-043
388-86-090	AMD-P	94-04-022	388-95-320	REP	94-10-065	388-96-745	AMD-P	94-07-109
388-86-090	AMD-E	94-04-023	388-95-335	REP-P	94-07-114	388-96-745	AMD	94-12-043
388-86-090	AMD	94-07-030	388-95-335	REP	94-10-065	388-96-753	NEW-P	94-07-109
388-86-098	AMD-P	94-04-022	388-95-337	AMD-P	94-05-025	388-96-753	NEW	94-12-043
388-86-098	AMD-E	94-04-023	388-95-337	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-86-098	AMD	94-07-030	388-95-337	AMD	94-07-130	388-96-754	AMD	94-12-043
388-87-300	REP-E	94-08-045	388-95-337	REP	94-10-065	388-96-763	AMD-P	94-07-109
388-87-300	REP-P	94-08-046	388-95-340	REP-P	94-07-114	388-96-763	AMD	94-12-043
388-87-300	REP	94-11-057	388-95-340	AMD-E	94-08-041	388-96-774	AMD-P	94-07-109
388-92-005	REP-P	94-07-114	388-95-340	AMD-P	94-08-042	388-96-774	AMD	94-12-043
388-92-005	REP	94-10-065	388-95-340	REP	94-10-065	388-96-776	NEW-P	94-07-109
388-92-015	REP-P	94-07-114	388-95-340	AMD-W	94-11-060	388-96-776	NEW	94-12-043
388-92-015	REP	94-10-065	388-95-340	RESCIND	94-11-062	388-96-777	NEW-P	94-07-109
388-92-025	REP-P	94-07-114	388-95-360	REP-P	94-07-114	388-96-777	NEW	94-12-043
388-92-025	REP	94-10-065	388-95-360	AMD-E	94-08-043	388-96-904	AMD-P	94-07-109
388-92-027	REP-P	94-07-114	388-95-360	AMD-P	94-08-044	388-96-904	AMD	94-12-043
388-92-027	REP	94-10-065	388-95-360	REP	94-10-065	388-99-005	REP-P	94-07-114
388-92-030	REP-P	94-07-114	388-95-360	AMD-W	94-11-059	388-99-005	REP	94-10-065
388-92-030	REP	94-10-065	388-95-360	RESCIND	94-11-063	388-99-010	REP-P	94-07-114
388-92-034	REP-P	94-07-114	388-95-380	REP-P	94-07-114	388-99-010	REP	94-10-065
388-92-034	REP	94-10-065	388-95-380	REP	94-10-065	388-99-011	REP-P	94-07-114
388-92-036	REP-P	94-07-114	388-95-390	REP-P	94-07-114	388-99-011	REP	94-10-065
388-92-036	AMD-E	94-08-041	388-95-390	REP	94-10-065	388-99-015	REP-P	94-07-114
388-92-036	AMD-P	94-08-042	388-95-395	REP-P	94-07-114	388-99-015	REP	94-10-065
388-92-036	REP	94-10-065	388-95-395	REP	94-10-065	388-99-020	REP-P	94-07-114
388-92-036	AMD-W	94-11-060	388-95-400	REP-P	94-07-114	388-99-020	REP	94-10-065
388-92-036	RESCIND	94-11-062	388-95-400	REP	94-10-065	388-99-030	REP-P	94-07-114
388-92-040	REP-P	94-07-114	388-96-010	AMD-P	94-07-109	388-99-030	REP	94-10-065
388-92-040	REP	94-10-065	388-96-010	AMD	94-12-043	388-99-035	REP-P	94-07-114
388-92-041	AMD-E	94-05-027	388-96-113	AMD-P	94-07-109	388-99-035	REP	94-10-065
388-92-041	AMD-P	94-05-028	388-96-113	AMD	94-12-043	388-99-036	REP-P	94-07-114
388-92-041	REP-P	94-07-114	388-96-134	AMD-P	94-07-109	388-99-036	REP	94-10-065
388-92-041	AMD	94-07-131	388-96-134	AMD	94-12-043	388-99-040	REP-P	94-07-114
388-92-041	REP	94-10-065	388-96-217	AMD-P	94-07-109	388-99-040	REP	94-10-065
388-92-045	REP-P	94-07-114	388-96-217	AMD	94-12-043	388-99-050	REP-P	94-07-114
388-92-045	REP	94-10-065	388-96-221	AMD-P	94-07-109	388-99-050	REP	94-10-065
388-92-050	REP-P	94-07-114	388-96-221	AMD	94-12-043	388-99-055	REP-P	94-07-114
388-92-050	REP	94-10-065	388-96-226	AMD-P	94-07-109	388-99-055	REP	94-10-065
388-93-005	REP-P	94-07-114	388-96-226	AMD	94-12-043	388-99-060	REP-P	94-07-114
388-93-005	REP	94-10-065	388-96-228	AMD-P	94-07-109	388-99-060	REP	94-10-065
388-93-010	REP-P	94-07-114	388-96-228	AMD	94-12-043	388-100-001	REP-P	94-07-114
388-93-010	REP	94-10-065	388-96-525	AMD-P	94-07-109	388-100-001	REP	94-10-065
388-93-015	REP-P	94-07-114	388-96-525	AMD	94-12-043	388-100-005	REP-P	94-07-114
388-93-015	REP	94-10-065	388-96-533	AMD-P	94-07-109	388-100-005	REP	94-10-065
388-93-020	REP-P	94-07-114	388-96-533	AMD	94-12-043	388-100-010	REP-P	94-07-114
388-93-020	REP	94-10-065	388-96-534	AMD-P	94-07-109	388-100-010	REP	94-10-065
388-93-025	REP-P	94-07-114	388-96-534	AMD	94-12-043	388-100-015	REP-P	94-07-114
388-93-025	REP	94-10-065	388-96-559	AMD-P	94-07-109	388-100-015	REP	94-10-065
388-93-030	REP-P	94-07-114	388-96-559	AMD	94-12-043	388-100-020	REP-P	94-07-114
388-93-030	REP	94-10-065	388-96-565	AMD-P	94-07-109	388-100-020	REP	94-10-065
388-93-035	REP-P	94-07-114	388-96-565	AMD	94-12-043	388-100-025	REP-P	94-07-114

TABLE





Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-245-1740	NEW-P	94-07-114	388-265-1250	NEW-P	94-07-114	388-501-0160	NEW	94-10-065
388-245-1740	NEW	94-10-065	388-265-1250	NEW	94-10-065	388-501-0165	NEW-P	94-07-114
388-245-2010	NEW-P	94-07-114	388-265-1300	NEW-P	94-07-114	388-501-0165	NEW	94-10-065
388-245-2010	NEW	94-10-065	388-265-1300	NEW	94-10-065	388-501-0170	NEW-P	94-07-114
388-245-2020	NEW-P	94-07-114	388-265-1350	NEW-P	94-07-114	388-501-0170	NEW	94-10-065
388-245-2020	NEW	94-10-065	388-265-1350	NEW	94-10-065	388-501-0175	NEW-P	94-07-114
388-245-2030	NEW-P	94-07-114	388-265-1400	NEW-P	94-07-114	388-501-0175	NEW	94-10-065
388-245-2030	NEW	94-10-065	388-265-1400	NEW	94-10-065	388-501-0180	NEW-P	94-07-114
388-245-2040	NEW-P	94-07-114	388-265-1450	NEW-P	94-07-114	388-501-0180	NEW	94-10-065
388-245-2040	NEW	94-10-065	388-265-1450	NEW	94-10-065	388-501-0190	NEW-P	94-07-114
388-245-2050	NEW-P	94-07-114	388-265-1500	NEW-P	94-07-114	388-501-0190	NEW	94-10-065
388-245-2050	NEW	94-10-065	388-265-1500	NEW	94-10-065	388-501-0195	NEW-P	94-07-114
388-250-1010	NEW-P	94-06-035	388-265-1550	NEW-P	94-07-114	388-502-0205	NEW-P	94-07-114
388-250-1010	NEW	94-09-001	388-265-1550	NEW	94-10-065	388-502-0205	NEW	94-10-065
388-250-1050	NEW-P	94-06-035	388-265-1600	NEW-P	94-07-114	388-502-0210	NEW-P	94-07-114
388-250-1050	NEW	94-09-001	388-265-1600	NEW	94-10-065	388-502-0210	NEW	94-10-065
388-250-1100	NEW-P	94-06-035	388-265-1650	NEW-P	94-07-114	388-502-0220	NEW-P	94-07-114
388-250-1100	NEW	94-09-001	388-265-1650	NEW	94-10-065	388-502-0220	NEW	94-10-065
388-250-1150	NEW-P	94-06-035	388-265-1700	NEW-P	94-07-114	388-502-0230	NEW-P	94-07-114
388-250-1150	NEW	94-09-001	388-265-1700	NEW	94-10-065	388-502-0230	NEW	94-10-065
388-250-1200	NEW-P	94-06-035	388-265-1750	NEW-P	94-07-114	388-502-0250	NEW-P	94-07-114
388-250-1200	NEW	94-09-001	388-265-1750	NEW	94-10-065	388-502-0250	NEW	94-10-065
388-250-1250	NEW-P	94-06-035	388-265-1800	NEW-P	94-07-114	388-503-0305	NEW-P	94-07-114
388-250-1250	NEW	94-09-001	388-265-1800	NEW	94-10-065	388-503-0305	NEW	94-10-065
388-250-1300	NEW-P	94-06-035	388-265-1850	NEW-P	94-07-114	388-503-0310	NEW-P	94-07-114
388-250-1300	NEW	94-09-001	388-265-1850	NEW	94-10-065	388-503-0310	NEW	94-10-065
388-250-1350	NEW-P	94-06-035	388-265-1900	NEW-P	94-07-114	388-503-0320	NEW-P	94-07-114
388-250-1350	NEW	94-09-001	388-265-1900	NEW	94-10-065	388-503-0320	NEW	94-10-065
388-250-1400	NEW-P	94-06-035	388-265-1950	NEW-P	94-07-114	388-503-0350	NEW-P	94-07-114
388-250-1400	NEW	94-09-001	388-265-1950	NEW	94-10-065	388-503-0350	NEW	94-10-065
388-250-1450	NEW-P	94-06-035	388-265-2000	NEW-P	94-07-114	388-503-0370	NEW-P	94-07-114
388-250-1450	NEW	94-09-001	388-265-2000	NEW	94-10-065	388-503-0370	NEW	94-10-065
388-250-1500	NEW-P	94-06-035	388-270-1005	NEW	94-05-045	388-504-0405	NEW-P	94-07-114
388-250-1500	NEW	94-09-001	388-270-1010	NEW	94-05-045	388-504-0405	NEW	94-10-065
388-250-1550	NEW-P	94-06-035	388-270-1025	NEW	94-05-045	388-504-0410	NEW-P	94-07-114
388-250-1550	NEW	94-09-001	388-270-1075	NEW	94-05-045	388-504-0410	NEW	94-10-065
388-250-1600	NEW-P	94-06-035	388-270-1100	NEW	94-05-045	388-504-0420	NEW-P	94-07-114
388-250-1600	NEW	94-09-001	388-270-1110	NEW	94-05-045	388-504-0420	NEW	94-10-065
388-250-1650	NEW-P	94-06-035	388-270-1125	NEW	94-05-045	388-504-0430	NEW-P	94-07-114
388-250-1650	NEW	94-09-001	388-270-1150	NEW	94-05-045	388-504-0430	NEW	94-10-065
388-250-1700	NEW-P	94-06-035	388-270-1200	NEW	94-05-045	388-504-0440	NEW-P	94-07-114
388-250-1700	NEW	94-09-001	388-270-1250	NEW	94-05-045	388-504-0440	NEW	94-10-065
388-250-1700	AMD-P	94-12-004	388-270-1300	NEW	94-05-045	388-504-0450	NEW-P	94-07-114
388-250-1750	NEW-P	94-06-035	388-270-1400	NEW	94-05-045	388-504-0450	NEW	94-10-065
388-250-1750	NEW	94-09-001	388-270-1500	NEW	94-05-045	388-504-0460	NEW-P	94-07-114
388-255-1020	NEW-P	94-06-035	388-270-1550	NEW	94-05-045	388-504-0460	NEW	94-10-065
388-255-1020	NEW	94-09-001	388-270-1600	NEW	94-05-045	388-504-0470	NEW-P	94-07-114
388-255-1050	NEW-P	94-06-035	388-275-0010	NEW	94-04-033	388-504-0470	NEW	94-10-065
388-255-1050	NEW	94-09-001	388-275-0020	NEW	94-04-033	388-504-0480	NEW-P	94-07-114
388-255-1100	NEW-P	94-06-035	388-275-0030	NEW	94-04-033	388-504-0480	NEW	94-10-065
388-255-1100	NEW	94-09-001	388-275-0040	NEW	94-04-033	388-504-0485	NEW-P	94-07-114
388-255-1150	NEW-P	94-06-035	388-275-0050	NEW	94-04-033	388-504-0485	NEW	94-10-065
388-255-1150	NEW	94-09-001	388-275-0060	NEW	94-04-033	388-504-0501	NEW-P	94-07-114
388-255-1200	NEW-P	94-06-035	388-275-0070	NEW	94-04-033	388-505-0501	NEW	94-10-065
388-255-1200	NEW	94-09-001	388-275-0080	NEW	94-04-033	388-505-0505	NEW-P	94-07-114
388-255-1250	NEW-P	94-06-035	388-275-0090	NEW	94-04-033	388-505-0505	NEW	94-10-065
388-255-1250	NEW	94-09-001	388-500-0005	NEW-P	94-07-114	388-505-0510	NEW-P	94-07-114
388-255-1300	NEW-P	94-06-035	388-500-0005	NEW	94-10-065	388-505-0510	NEW	94-10-065
388-255-1300	NEW	94-09-001	388-501-0105	NEW-P	94-07-114	388-505-0520	NEW-P	94-07-114
388-255-1350	NEW-P	94-06-035	388-501-0105	NEW	94-10-065	388-505-0520	NEW	94-10-065
388-255-1350	NEW	94-09-001	388-501-0110	NEW-P	94-07-114	388-505-0530	NEW-P	94-07-114
388-255-1400	NEW-P	94-06-035	388-501-0110	NEW	94-10-065	388-505-0530	NEW	94-10-065
388-255-1400	NEW	94-09-001	388-501-0125	NEW-P	94-07-114	388-505-0540	NEW-P	94-07-114
388-265-1010	NEW-P	94-07-114	388-501-0125	NEW	94-10-065	388-505-0540	NEW	94-10-065
388-265-1010	NEW	94-10-065	388-501-0130	NEW-P	94-07-114	388-505-0560	NEW-P	94-07-114
388-265-1050	NEW-P	94-07-114	388-501-0130	NEW	94-10-065	388-505-0560	NEW	94-10-065
388-265-1050	NEW	94-10-065	388-501-0135	NEW-P	94-07-114	388-505-0570	NEW-P	94-07-114
388-265-1100	NEW-P	94-07-114	388-501-0135	NEW	94-10-065	388-505-0570	NEW	94-10-065
388-265-1110	NEW	94-10-065	388-501-0140	NEW-P	94-07-114	388-505-0580	NEW-P	94-07-114
388-265-1150	NEW-P	94-07-114	388-501-0140	NEW	94-10-065	388-505-0580	NEW	94-10-065
388-265-1150	NEW	94-10-065	388-501-0150	NEW-P	94-07-114	388-505-0590	NEW-P	94-07-114
388-265-1200	NEW-P	94-07-114	388-501-0150	NEW	94-10-065	388-505-0590	NEW	94-10-065
388-265-1200	NEW	94-10-065	388-501-0160	NEW-P	94-07-114	388-505-0595	NEW-P	94-07-114

TABLE







Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
390-16-032	AMD	94-05-011	392-127-800	REP	94-04-096	392-157-065	NEW	94-04-097
390-16-033	AMD	94-05-011	392-127-805	REP	94-04-096	392-157-070	NEW	94-04-097
390-16-041	AMD	94-05-011	392-127-815	REP	94-04-096	392-157-075	NEW	94-04-097
390-16-050	AMD	94-05-011	392-127-820	REP	94-04-096	392-157-080	NEW	94-04-097
390-16-071	NEW-E	94-07-001	392-127-825	REP	94-04-096	392-157-085	NEW	94-04-097
390-16-071	NEW-P	94-07-035	392-127-830	REP	94-04-096	392-157-090	NEW	94-04-097
390-16-071	NEW	94-11-016	392-140-190	REP-P	94-11-066	392-157-095	NEW	94-04-097
390-16-207	AMD-P	94-07-035	392-140-191	REP-P	94-11-066	392-157-100	NEW	94-04-097
390-16-207	AMD	94-11-016	392-140-192	REP-P	94-11-066	392-157-105	NEW	94-04-097
390-16-238	NEW-P	94-05-097	392-140-193	REP-P	94-11-066	392-157-110	NEW	94-04-097
390-16-238	NEW	94-07-141	392-140-194	REP-P	94-11-066	392-157-115	NEW	94-04-097
390-16-245	NEW-P	94-05-097	392-140-195	REP-P	94-11-066	392-157-120	NEW	94-04-097
390-16-245	NEW	94-07-141	392-140-196	REP-P	94-11-066	392-157-125	NEW	94-04-097
390-16-300	AMD-P	94-05-097	392-140-197	REP-P	94-11-066	392-157-130	NEW	94-04-097
390-16-308	AMD-P	94-07-035	392-140-198	REP-P	94-11-066	392-157-135	NEW	94-04-097
390-16-308	AMD-P	94-07-088	392-140-199	REP-P	94-11-066	392-157-140	NEW	94-04-097
390-16-308	AMD-W	94-07-089	392-140-200	REP-P	94-11-066	392-157-145	NEW	94-04-097
390-16-308	AMD	94-11-016	392-140-201	REP-P	94-11-066	392-157-150	NEW	94-04-097
390-16-309	NEW-E	94-07-001	392-140-202	REP-P	94-11-066	392-157-155	NEW	94-04-097
390-16-309	NEW-P	94-07-035	392-140-500	NEW-P	94-04-122	392-157-160	NEW	94-04-097
390-16-309	NEW-W	94-08-080	392-140-500	NEW	94-12-002	392-157-165	NEW	94-04-097
390-16-309	NEW	94-11-016	392-140-501	NEW-P	94-04-122	392-157-170	NEW	94-04-097
390-16-310	AMD-P	94-07-035	392-140-501	NEW	94-12-002	392-157-175	NEW	94-04-097
390-16-310	AMD-P	94-07-088	392-140-503	NEW-P	94-04-122	392-157-180	NEW	94-04-097
390-16-310	AMD-W	94-07-089	392-140-503	NEW	94-12-002	392-163-400	AMD-P	94-04-094
390-16-310	AMD	94-11-016	392-140-504	NEW-P	94-04-122	392-163-400	AMD	94-07-103
390-16-311	NEW-P	94-07-142	392-140-504	NEW	94-12-002	392-163-405	AMD-P	94-04-094
390-16-311	NEW	94-11-017	392-140-505	NEW-P	94-04-122	392-163-405	AMD	94-07-103
390-16-315	AMD-P	94-05-097	392-140-505	NEW	94-12-002	392-163-440	AMD-P	94-04-094
390-16-324	NEW-P	94-03-087	392-140-506	NEW-P	94-04-122	392-163-440	AMD	94-07-103
390-16-324	NEW-W	94-04-121	392-140-506	NEW	94-12-002	392-163-445	AMD-P	94-04-094
390-17-071	NEW	94-05-010	392-140-507	NEW-P	94-04-122	392-163-445	AMD	94-07-103
390-17-300	AMD-P	94-03-087	392-140-507	NEW	94-12-002	392-163-530	AMD-P	94-04-094
390-17-300	AMD-W	94-04-121	392-140-508	NEW-P	94-04-122	392-163-530	AMD	94-07-103
390-17-300	AMD	94-07-141	392-140-508	NEW	94-12-002	392-163-580	AMD-P	94-04-094
390-17-315	AMD-P	94-03-087	392-140-509	NEW-P	94-04-122	392-163-580	AMD	94-07-103
390-17-315	AMD-W	94-04-121	392-140-509	NEW	94-12-002	392-169-005	NEW	94-04-095
390-17-315	AMD	94-07-141	392-140-509	NEW	94-12-002	392-169-010	NEW	94-04-095
390-17-320	NEW-P	94-07-035	392-140-510	NEW-P	94-04-122	392-169-010	NEW	94-04-095
390-17-320	NEW	94-11-016	392-140-510	NEW	94-12-002	392-169-015	NEW	94-04-095
390-17-405	NEW-P	94-07-142	392-140-511	NEW-P	94-04-122	392-169-020	NEW	94-04-095
390-17-405	NEW	94-11-017	392-140-511	NEW	94-12-002	392-169-022	NEW	94-04-095
390-20-148	NEW-P	94-07-035	392-140-512	NEW-P	94-04-122	392-169-022	NEW	94-04-095
390-20-148	NEW	94-11-016	392-140-512	NEW	94-12-002	392-169-023	NEW	94-04-095
390-20-052	AMD-P	94-07-035	392-140-516	NEW-P	94-04-122	392-169-025	NEW	94-04-095
390-20-052	AMD	94-11-016	392-140-516	NEW	94-12-002	392-169-030	NEW	94-04-095
390-24-030	REP	94-05-010	392-140-516	NEW	94-12-002	392-169-035	NEW	94-04-095
390-24-031	REP	94-05-010	392-140-517	NEW-P	94-04-122	392-169-040	NEW	94-04-095
390-24-160	AMD	94-05-010	392-140-517	NEW	94-12-002	392-169-045	NEW	94-04-095
390-37-070	AMD	94-05-010	392-140-518	NEW-P	94-04-122	392-169-050	NEW	94-04-095
390-37-105	AMD	94-05-010	392-140-518	NEW	94-12-002	392-169-055	NEW	94-04-095
390-37-142	AMD	94-05-010	392-140-519	NEW-P	94-04-122	392-169-057	NEW	94-04-095
392-127-700	REP	94-04-096	392-140-519	NEW	94-12-002	392-169-060	NEW	94-04-095
392-127-703	REP	94-04-096	392-140-525	NEW-P	94-11-066	392-169-065	NEW	94-04-095
392-127-705	REP	94-04-096	392-140-527	NEW-P	94-11-066	392-169-070	NEW	94-04-095
392-127-710	REP	94-04-096	392-140-529	NEW-P	94-11-066	392-169-075	NEW	94-04-095
392-127-715	REP	94-04-096	392-140-530	NEW-P	94-11-066	392-169-080	NEW	94-04-095
392-127-720	REP	94-04-096	392-140-531	NEW-P	94-11-066	392-169-085	NEW	94-04-095
392-127-725	REP	94-04-096	392-140-533	NEW-P	94-11-066	392-169-090	NEW	94-04-095
392-127-730	REP	94-04-096	392-140-535	NEW-P	94-11-066	392-169-095	NEW	94-04-095
392-127-735	REP	94-04-096	392-140-536	NEW-P	94-11-066	392-169-100	NEW	94-04-095
392-127-740	REP	94-04-096	392-140-537	NEW-P	94-11-066	392-169-105	NEW	94-04-095
392-127-745	REP	94-04-096	392-140-538	NEW-P	94-11-066	392-169-110	NEW	94-04-095
392-127-750	REP	94-04-096	392-157-005	NEW	94-04-097	392-169-115	NEW	94-04-095
392-127-755	REP	94-04-096	392-157-010	NEW	94-04-097	392-169-120	NEW	94-04-095
392-127-760	REP	94-04-096	392-157-015	NEW	94-04-097	392-169-125	NEW	94-04-095
392-127-765	REP	94-04-096	392-157-020	NEW	94-04-097	392-196-011	AMD-P	94-11-120
392-127-770	REP	94-04-096	392-157-025	NEW	94-04-097	392-196-015	REP-P	94-11-120
392-127-775	REP	94-04-096	392-157-030	NEW	94-04-097	392-196-020	AMD-P	94-11-120
392-127-780	REP	94-04-096	392-157-035	NEW	94-04-097	392-196-025	REP-P	94-11-120
392-127-785	REP	94-04-096	392-157-040	NEW	94-04-097	392-196-030	REP-P	94-11-120
392-127-790	REP	94-04-096	392-157-045	NEW	94-04-097	392-196-035	REP-P	94-11-120
392-127-795	REP	94-04-096	392-157-050	NEW	94-04-097	392-196-037	REP-P	94-11-120
			392-157-055	NEW	94-04-097	392-196-040	REP-P	94-11-120
			392-157-060	NEW	94-04-097	392-196-045	REP-P	94-11-120

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-196-050	REP-P	94-11-120	415-108-570	NEW	94-12-014	448-13-210	AMD-W	94-07-073
392-196-055	AMD-P	94-11-120	415-108-580	NEW-P	94-05-013	456-09-010	AMD-P	94-03-056
392-196-060	AMD-P	94-11-120	415-108-580	NEW	94-09-040	456-09-010	AMD	94-07-044
392-196-066	REP-P	94-11-120	415-112-015	AMD-P	94-07-144	456-09-325	AMD-P	94-03-056
392-196-077	NEW-P	94-11-120	415-112-015	AMD	94-11-009	456-09-325	AMD	94-07-044
392-196-080	REP-P	94-11-120	415-112-415	AMD-P	94-07-144	456-09-365	AMD-P	94-03-056
392-196-085	REP-P	94-11-120	415-112-415	AMD	94-11-009	456-09-365	AMD	94-07-044
392-196-086	NEW-P	94-11-120	415-112-840	NEW-P	94-05-013	456-10-010	AMD-P	94-03-057
392-196-089	NEW-P	94-11-120	415-112-840	NEW-P	94-07-144	456-10-010	AMD	94-07-043
392-196-095	REP-P	94-11-120	415-112-840	NEW	94-09-040	456-10-325	AMD-P	94-03-057
392-196-100	AMD-P	94-11-120	415-112-840	NEW	94-11-009	456-10-325	AMD	94-07-043
392-196-105	REP-P	94-11-120	434-55	PREP	94-12-085	456-10-360	AMD-P	94-03-057
392-320-005	NEW-P	94-04-025	434-60-210	NEW	94-07-018	456-10-360	AMD	94-07-043
392-320-005	NEW	94-07-102	434-60-215	NEW	94-07-018	458-16-100	AMD	94-07-008
392-320-010	NEW-P	94-04-025	434-60-220	NEW	94-07-018	458-16-110	AMD	94-07-008
392-320-010	NEW	94-07-102	434-60-230	NEW	94-07-018	458-16-111	AMD	94-07-008
392-320-015	NEW-P	94-04-025	434-60-240	NEW	94-07-018	458-16-130	AMD	94-07-008
392-320-015	NEW	94-07-102	434-60-250	NEW	94-07-018	458-16-150	AMD	94-07-008
392-320-020	NEW-P	94-04-025	434-60-260	NEW	94-07-018	458-16-165	NEW	94-07-008
392-320-020	NEW	94-07-102	434-60-270	NEW	94-07-018	458-16-180	AMD	94-07-008
392-320-025	NEW-P	94-04-025	434-60-280	NEW	94-07-018	458-16-190	AMD	94-07-008
392-320-025	NEW	94-07-102	434-60-290	NEW	94-07-018	458-16-200	AMD	94-07-008
392-320-030	NEW-P	94-04-025	434-60-300	NEW	94-07-018	458-16-210	AMD	94-07-008
392-320-030	NEW	94-07-102	434-60-310	NEW	94-07-018	458-16-215	PREP	94-07-123
392-320-035	NEW-P	94-04-025	434-60-320	NEW	94-07-018	458-16-215	NEW-P	94-11-099
392-320-035	NEW	94-07-102	434-60-330	NEW	94-07-018	458-16-220	AMD	94-07-008
392-320-040	NEW-P	94-04-025	434-60-340	NEW	94-07-018	458-16-230	AMD	94-07-008
392-320-040	NEW	94-07-102	434-60-350	NEW	94-07-018	458-16-240	AMD	94-07-008
392-320-045	NEW-P	94-04-025	434-110-070	AMD-E	94-12-086	458-16-245	NEW	94-07-008
392-320-045	NEW	94-07-102	434-110-075	AMD-E	94-12-086	458-16-260	AMD	94-07-008
392-320-050	NEW-P	94-04-025	434-120-120	NEW-W	94-10-054	458-16-270	AMD	94-07-008
392-320-050	NEW	94-07-102	434-663-001	NEW-W	94-03-081	458-16-280	AMD	94-07-008
392-320-055	NEW-P	94-04-025	434-663-005	NEW-W	94-03-081	458-16-282	AMD	94-07-008
392-320-055	NEW	94-07-102	434-663-020	NEW-W	94-03-081	458-16-284	NEW	94-07-008
392-320-060	NEW-P	94-04-025	434-663-030	NEW-W	94-03-081	458-16-286	NEW	94-07-008
392-320-060	NEW	94-07-102	434-663-050	NEW-W	94-03-081	458-16-290	AMD	94-07-008
392-330-010	NEW-P	94-08-074	434-663-060	NEW-W	94-03-081	458-16-300	AMD	94-07-008
392-330-010	NEW	94-12-019	434-663-070	NEW-W	94-03-081	458-16-310	AMD	94-07-008
392-330-020	NEW-P	94-08-074	434-663-100	NEW	94-04-102	458-16-320	NEW	94-07-008
392-330-020	NEW	94-12-019	434-663-200	NEW	94-04-102	458-16-330	NEW	94-07-008
392-330-030	NEW-P	94-08-074	434-663-210	NEW	94-04-102	458-16A-010	PREP	94-10-060
392-330-030	NEW	94-12-019	434-663-220	NEW	94-04-102	458-16A-020	PREP	94-10-060
392-330-040	NEW-P	94-08-074	434-663-230	NEW	94-04-102	458-18-220	AMD	94-05-063
392-330-040	NEW	94-12-019	434-663-240	NEW	94-04-102	458-19-005	NEW	94-07-066
392-330-050	NEW-P	94-08-074	434-663-250	NEW	94-04-102	458-19-010	NEW	94-07-066
392-330-050	NEW	94-12-019	434-663-260	NEW	94-04-102	458-19-015	NEW	94-07-066
392-330-060	NEW-P	94-08-074	434-663-300	NEW	94-04-102	458-19-020	NEW	94-07-066
392-330-060	NEW	94-12-019	434-663-310	NEW	94-04-102	458-19-025	NEW	94-07-066
392-330-070	NEW-P	94-08-074	434-663-320	NEW	94-04-102	458-19-030	NEW	94-07-066
392-330-070	NEW	94-12-019	434-663-400	NEW	94-04-102	458-19-035	NEW	94-07-066
392-330-080	NEW-P	94-08-074	434-663-410	NEW	94-04-102	458-19-040	NEW	94-07-066
392-330-080	NEW	94-12-019	434-663-420	NEW	94-04-102	458-19-045	NEW	94-07-066
415-02-030	AMD-P	94-05-012	434-663-430	NEW	94-04-102	458-19-050	NEW	94-07-066
415-02-030	AMD	94-09-039	434-663-440	NEW	94-04-102	458-19-055	NEW	94-07-066
415-02-110	NEW-P	94-05-012	434-663-450	NEW	94-04-102	458-19-060	NEW	94-07-066
415-02-110	NEW	94-09-039	434-663-460	NEW	94-04-102	458-19-065	NEW	94-07-066
415-100-190	NEW-P	94-07-143	434-663-470	NEW	94-04-102	458-19-070	NEW	94-07-066
415-100-190	NEW	94-11-008	434-663-480	NEW	94-04-102	458-19-075	NEW	94-07-066
415-104-111	NEW-P	94-05-013	434-663-490	NEW	94-04-102	458-19-080	NEW	94-07-066
415-104-111	NEW	94-09-040	434-663-500	NEW	94-04-102	458-20-102	AMD-E	94-05-083
415-108-010	AMD-P	94-07-144	434-663-510	NEW	94-04-102	458-20-102	AMD-P	94-06-004
415-108-010	AMD	94-11-009	434-663-520	NEW	94-04-102	458-20-122	AMD-P	94-03-035
415-108-510	AMD-P	94-07-144	434-663-530	NEW	94-04-102	458-20-122	AMD	94-07-049
415-108-510	AMD	94-11-009	434-663-600	NEW	94-04-102	458-20-125	REP-P	94-03-037
415-108-530	NEW-P	94-07-144	434-663-610	NEW	94-04-102	458-20-125	REP	94-07-051
415-108-530	NEW	94-11-009	434-663-620	NEW	94-04-102	458-20-165	AMD	94-09-016
415-108-540	NEW-P	94-07-144	434-663-630	NEW	94-04-102	458-20-166	AMD	94-05-001
415-108-540	NEW	94-11-009	440-22-205	NEW-W	94-07-072	458-20-167	AMD-P	94-03-047
415-108-550	NEW-P	94-08-087	446-65	AMD-P	94-05-023	458-20-167	AMD	94-07-047
415-108-550	NEW	94-12-014	446-65	AMD	94-08-004	458-20-168	AMD-E	94-05-084
415-108-560	NEW-P	94-08-087	446-65-005	AMD-P	94-05-023	458-20-168	AMD	94-11-097
415-108-560	NEW	94-12-014	446-65-005	AMD	94-08-004	458-20-174	AMD-P	94-07-023
415-108-570	NEW-P	94-08-087	448-13-080	AMD-W	94-07-073	458-20-17401	NEW-P	94-07-024

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-20-185	AMD-P	94-07-025	458-61-490	REP	94-04-088	468-10-110	REP-P	94-12-070
458-20-185	AMD	94-10-061	458-61-500	REP	94-04-088	468-10-120	REP-P	94-12-070
458-20-186	AMD-P	94-07-026	458-61-510	AMD	94-04-088	468-10-130	REP-P	94-12-070
458-20-186	AMD	94-10-062	458-61-520	AMD	94-04-088	468-10-140	REP-P	94-12-070
458-20-209	AMD-P	94-03-036	458-61-530	REP	94-04-088	468-10-150	REP-P	94-12-070
458-20-209	AMD	94-07-050	458-61-540	AMD	94-04-088	468-10-160	REP-P	94-12-070
458-20-210	AMD-P	94-03-034	458-61-545	AMD	94-04-088	468-10-170	REP-P	94-12-070
458-20-210	AMD	94-07-048	458-61-550	AMD	94-04-088	468-10-180	REP-P	94-12-070
458-20-226	AMD-P	94-10-013	458-61-553	NEW	94-04-088	468-10-190	REP-P	94-12-070
458-20-238	PREP	94-03-046	458-61-555	AMD	94-04-088	468-10-200	REP-P	94-12-070
458-20-258	AMD-E	94-05-086	458-61-560	REP	94-04-088	468-10-210	REP-P	94-12-070
458-20-261	NEW-P	94-07-027	458-61-570	REP	94-04-088	468-10-220	REP-P	94-12-070
458-20-901	NEW-E	94-05-085	458-61-590	AMD	94-04-088	468-10-230	REP-P	94-12-070
458-30-262	AMD	94-05-062	458-61-600	AMD	94-04-088	468-10-232	REP-P	94-12-070
458-30-590	AMD-P	94-08-082	458-61-610	AMD	94-04-088	468-10-234	REP-P	94-12-070
458-30-590	AMD	94-11-098	458-61-620	REP	94-04-088	468-10-240	REP-P	94-12-070
458-40-650	AMD-P	94-10-063	458-61-630	REP	94-04-088	468-10-250	REP-P	94-12-070
458-40-660	AMD-P	94-10-063	458-61-640	AMD	94-04-088	468-10-260	REP-P	94-12-070
458-40-670	AMD-P	94-10-063	458-61-650	AMD	94-04-088	468-10-270	REP-P	94-12-070
458-53-160	AMD	94-05-064	458-61-660	AMD	94-04-088	468-10-280	REP-P	94-12-070
458-61-010	REP	94-04-088	458-61-670	AMD	94-04-088	468-10-290	REP-P	94-12-070
458-61-015	NEW	94-04-088	458-61-680	REP	94-04-088	468-10-300	REP-P	94-12-070
458-61-020	REP	94-04-088	458-61-690	REP	94-04-088	468-10-310	REP-P	94-12-070
458-61-025	NEW	94-04-088	460-44A-500	AMD	94-03-061	468-10-320	REP-P	94-12-070
458-61-030	AMD	94-04-088	460-44A-501	AMD	94-03-061	468-10-400	NEW-P	94-12-070
458-61-040	REP	94-04-088	460-44A-502	AMD	94-03-061	468-10-410	NEW-P	94-12-070
458-61-050	AMD	94-04-088	460-44A-504	AMD	94-03-061	468-10-420	NEW-P	94-12-070
458-61-060	AMD	94-04-088	460-44A-505	AMD	94-03-061	468-10-430	NEW-P	94-12-070
458-61-070	AMD	94-04-088	460-44A-506	AMD	94-03-061	468-10-440	NEW-P	94-12-070
458-61-080	AMD	94-04-088	461-08-001	NEW-E	94-07-060	468-10-450	NEW-P	94-12-070
458-61-090	AMD	94-04-088	461-08-001	NEW-P	94-07-095	468-10-460	NEW-P	94-12-070
458-61-100	AMD	94-04-088	461-08-001	NEW	94-12-028	468-10-470	NEW-P	94-12-070
458-61-110	REP	94-04-088	461-08-047	NEW-E	94-07-060	468-10-480	NEW-P	94-12-070
458-61-120	AMD	94-04-088	461-08-047	NEW-P	94-07-095	468-10-490	NEW-P	94-12-070
458-61-130	AMD	94-04-088	461-08-047	NEW	94-12-028	468-10-500	NEW-P	94-12-070
458-61-140	REP	94-04-088	461-08-144	NEW-E	94-07-060	468-10-510	NEW-P	94-12-070
458-61-150	AMD	94-04-088	461-08-144	NEW-P	94-07-095	468-10-520	NEW-P	94-12-070
458-61-200	AMD	94-04-088	461-08-144	NEW	94-12-028	468-10-530	NEW-P	94-12-070
458-61-210	AMD	94-04-088	461-08-156	NEW-E	94-07-060	468-16-090	AMD	94-05-004
458-61-220	AMD	94-04-088	461-08-156	NEW-P	94-07-095	468-16-110	AMD	94-05-004
458-61-225	NEW	94-04-088	461-08-156	NEW	94-12-028	468-16-120	AMD	94-05-004
458-61-230	AMD	94-04-088	461-08-160	AMD-E	94-07-060	468-16-130	AMD	94-05-004
458-61-235	NEW	94-04-088	461-08-160	AMD-P	94-07-095	468-16-150	AMD	94-05-004
458-61-240	REP	94-04-088	461-08-160	AMD	94-12-028	468-16-160	AMD	94-05-004
458-61-250	AMD	94-04-088	461-08-165	REP-E	94-07-060	468-16-180	AMD	94-05-004
458-61-255	NEW	94-04-088	461-08-165	REP-P	94-07-095	468-16-210	AMD	94-05-004
458-61-270	REP	94-04-088	461-08-165	REP	94-12-028	468-38-020	AMD-P	94-03-042
458-61-280	REP	94-04-088	461-08-167	NEW-E	94-07-060	468-38-020	AMD	94-07-054
458-61-290	AMD	94-04-088	461-08-167	NEW-P	94-07-095	468-38-030	AMD-P	94-03-042
458-61-300	AMD	94-04-088	461-08-167	NEW	94-12-028	468-38-030	AMD	94-07-054
458-61-310	REP	94-04-088	461-08-237	NEW-E	94-07-060	468-38-075	AMD-E	94-02-064
458-61-320	REP	94-04-088	461-08-237	NEW-P	94-07-095	468-38-075	AMD-P	94-03-043
458-61-330	AMD	94-04-088	461-08-237	NEW	94-12-028	468-38-075	AMD	94-07-055
458-61-335	AMD	94-04-088	463-39-005	AMD-P	94-12-036	468-48-010	NEW-P	94-08-054
458-61-340	AMD	94-04-088	463-39-070	NEW-P	94-12-036	468-48-020	NEW-P	94-08-054
458-61-360	REP	94-04-088	463-39-090	NEW-P	94-12-036	468-66-010	AMD-P	94-09-031
458-61-370	AMD	94-04-088	463-39-115	AMD-P	94-12-036	468-66-010	AMD	94-12-049
458-61-374	NEW	94-04-088	463-39-230	NEW-P	94-12-036	468-66-050	AMD-P	94-09-031
458-61-375	NEW	94-04-088	463-54-020	AMD-P	94-12-036	468-66-050	AMD	94-12-049
458-61-376	NEW	94-04-088	463-54-040	AMD-P	94-12-036	468-66-055	NEW-P	94-09-031
458-61-380	REP	94-04-088	463-54-050	AMD-P	94-12-036	468-66-055	NEW	94-12-049
458-61-390	REP	94-04-088	463-54-060	AMD-P	94-12-036	468-66-060	AMD-P	94-09-031
458-61-400	AMD	94-04-088	463-54-070	AMD-P	94-12-036	468-66-060	AMD	94-12-049
458-61-410	AMD	94-04-088	468-10-010	REP-P	94-12-070	468-66-060	AMD-P	94-09-031
458-61-411	NEW	94-04-088	468-10-020	REP-P	94-12-070	468-66-080	AMD	94-12-049
458-61-412	NEW	94-04-088	468-10-030	REP-P	94-12-070	468-66-130	AMD-P	94-09-031
458-61-420	AMD	94-04-088	468-10-040	REP-P	94-12-070	468-66-130	AMD	94-12-049
458-61-425	AMD	94-04-088	468-10-050	REP-P	94-12-070	468-66-175	REP-P	94-09-031
458-61-430	AMD	94-04-088	468-10-060	REP-P	94-12-070	468-66-175	REP	94-12-049
458-61-440	REP	94-04-088	468-10-070	REP-P	94-12-070	468-100-010	AMD-P	94-12-071
458-61-460	REP	94-04-088	468-10-080	REP-P	94-12-070	468-300-010	AMD-P	94-04-077
458-61-470	AMD	94-04-088	468-10-090	REP-P	94-12-070	468-300-010	AMD	94-07-104
458-61-480	AMD	94-04-088	468-10-100	REP-P	94-12-070	468-300-020	AMD-P	94-04-077

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #	WSR #
468-300-020	AMD	94-07-104	484-20-030	AMD-P	94-09-043		
468-300-040	AMD-P	94-04-077	484-20-035	AMD-P	94-09-043		
468-300-040	AMD	94-07-104	484-20-040	AMD-P	94-09-043		
480-04-030	AMD-P	94-07-139	484-20-045	AMD-P	94-09-043		
480-04-030	AMD	94-11-002	484-20-050	AMD-P	94-09-043		
480-12-045	AMD-P	94-07-135	484-20-055	AMD-P	94-09-043		
480-12-045	AMD	94-11-022	484-20-060	AMD-P	94-09-043		
480-12-050	AMD-P	94-07-135	484-20-061	NEW-P	94-09-043		
480-12-050	AMD	94-11-022	484-20-062	NEW-P	94-09-043		
480-12-083	AMD-P	94-11-103	484-20-063	NEW-P	94-09-043		
480-12-137	NEW-P	94-07-134	484-20-065	AMD	94-04-001		
480-12-137	NEW	94-11-001	484-20-068	AMD-P	94-09-043		
480-12-180	AMD-P	94-07-135	484-20-070	AMD-P	94-09-043		
480-12-180	AMD-W	94-11-019	484-20-075	REP-P	94-09-043		
480-12-180	AMD-P	94-11-104	484-20-080	AMD-P	94-09-043		
480-12-190	AMD-P	94-07-135	484-20-085	AMD-P	94-09-043		
480-12-190	AMD	94-11-022	484-20-087	AMD-P	94-09-043		
480-12-260	AMD	94-03-002	484-20-089	AMD-P	94-09-043		
480-12-321	AMD	94-03-001	484-20-090	AMD-P	94-09-043		
480-12-455	AMD-P	94-07-134	484-20-095	AMD-P	94-09-043		
480-12-455	AMD	94-11-001	484-20-100	AMD-P	94-09-043		
480-12-990	AMD-P	94-07-135	484-20-103	NEW-P	94-09-043		
480-12-990	AMD	94-11-022	484-20-105	AMD-P	94-09-043		
480-30-015	AMD-P	94-11-103	484-20-110	REP-P	94-09-043		
480-30-032	AMD-P	94-07-137	484-20-111	NEW-P	94-09-043		
480-30-032	AMD	94-11-021	484-20-115	AMD-P	94-09-043		
480-30-050	AMD-P	94-07-137	484-20-116	NEW-P	94-09-043		
480-30-050	AMD	94-11-021	484-20-117	NEW-P	94-09-043		
480-30-095	AMD-P	94-07-137	484-20-120	AMD-P	94-09-043		
480-30-095	AMD	94-11-021	484-20-135	AMD-P	94-09-043		
480-30-100	AMD-P	94-07-137	484-20-140	AMD-P	94-09-043		
480-30-100	AMD-W	94-11-020	484-20-145	AMD-P	94-09-043		
480-30-100	AMD-P	94-11-104	484-20-150	AMD-P	94-09-043		
480-35-040	AMD-P	94-10-071	516-26-010	AMD-P	94-07-117		
480-35-080	AMD-P	94-10-071	516-26-020	AMD-P	94-07-117		
480-35-090	AMD-P	94-10-071	516-26-030	AMD-P	94-07-117		
480-35-100	AMD-P	94-10-071	516-26-035	AMD-P	94-07-117		
480-35-110	AMD-P	94-10-071	516-26-040	AMD-P	94-07-117		
480-35-120	AMD-P	94-10-071	516-26-045	AMD-P	94-07-117		
480-40-015	AMD-P	94-11-103	516-26-050	AMD-P	94-07-117		
480-40-070	AMD-P	94-10-072	516-26-055	AMD-P	94-07-117		
480-40-075	AMD-P	94-10-072	516-26-060	AMD-P	94-07-117		
480-40-110	AMD-P	94-10-072	516-26-070	AMD-P	94-07-117		
480-40-120	AMD-P	94-10-072	516-26-080	AMD-P	94-07-117		
480-40-130	AMD-P	94-10-072	516-26-085	AMD-P	94-07-117		
480-40-140	REP-P	94-10-072	516-26-090	AMD-P	94-07-117		
480-50-010	AMD	94-03-003	516-26-095	AMD-P	94-07-117		
480-50-040	AMD	94-03-003	516-26-100	AMD-P	94-07-117		
480-60-990	AMD-P	94-07-138					
480-60-990	AMD	94-11-003					
480-62-085	AMD-P	94-07-138					
480-62-085	AMD	94-11-003					
480-62-090	AMD-P	94-07-138					
480-62-090	AMD	94-11-003					
480-70-055	AMD-P	94-11-102					
480-70-250	AMD-P	94-07-136					
480-70-250	AMD	94-11-004					
480-70-400	AMD-P	94-11-102					
480-107-020	AMD	94-07-045					
480-107-050	AMD	94-07-045					
480-107-060	AMD	94-07-045					
480-107-070	AMD	94-07-045					
480-107-080	AMD	94-07-045					
480-107-100	AMD	94-07-045					
480-107-120	AMD	94-07-045					
480-149-120	AMD-P	94-11-101					
484-20	AMD-P	94-09-043					
484-20-010	AMD-P	94-09-043					
484-20-015	AMD-P	94-09-043					
484-20-020	AMD-P	94-09-043					
484-20-023	AMD-P	94-09-043					
484-20-024	NEW-P	94-09-043					
484-20-025	AMD-P	94-09-043					

TABLE

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

				PROP	94-10-074
				PROP	94-10-076
<b>ACCOUNTANCY, BOARD OF</b>				<b>PERM</b>	<b>94-12-034</b>
CPA certificates				<b>PERM</b>	<b>94-12-035</b>
continuing professional education	PERM	94-02-070		<b>PERM</b>	<b>94-12-045</b>
	PERM	94-02-072		<b>PERM</b>	<b>94-12-046</b>
education requirements	PERM	94-02-070		<b>PERM</b>	<b>94-12-053</b>
	PERM	94-02-072			
reciprocity	PERM	94-10-039	Holly, cut spray standards		
Enforcement procedures	PERM	94-02-070	Hop commission		
Hearings	PERM	94-02-069	meetings	MISC	94-01-008
Operations and procedures	PERM	94-02-068	Horsemeat decharacterization	PROP	94-01-176
Program standards	PERM	94-02-070		PERM	94-05-009
Quality assurance review program	PERM	94-02-070	Inspection fees	PROP	94-06-058
	PERM	94-02-071		PERM	94-10-002
			Licenses		
			commission merchants, dealers,		
			brokers, and agents, fees	PROP	94-09-055
	PROP	94-09-072		<b>PERM</b>	<b>94-12-034</b>
<b>AGRICULTURE, DEPARTMENT OF</b>	<b>PERM</b>	<b>94-12-053</b>	Livestock markets		
Animal health			brand inspections	PROP	94-10-074
laboratory fees			facilities	PROP	94-10-074
			fees	PROP	94-10-074
Apiaries			Milk		
pollination service fee	PROP	94-09-052	processor assessments	PROP	94-01-151
registration fees, schedule	PROP	94-01-162		PERM	94-05-040
	PERM	94-05-049			
	<b>PERM</b>	<b>94-12-045</b>	Noxious weeds		
Apple commission			noxious weed list	MISC	94-01-076
meetings	MISC	94-02-063	Nursery stock		
Apples			standards	PERM	94-03-025
assessments			Pea cyst nematode quarantine	PROP	94-01-163
apple pest certification	EMER	94-04-091		PROP	94-06-003
gift grade, standards	PERM	94-03-021		PROP	94-06-051
watercore in Fuji variety	EMER	94-01-165			
	PROP	94-05-050	Pesticides		
	PERM	94-07-133	DDT and DDD, registration,		
Asparagus commission			distribution, and use	PERM	94-03-023
meetings	MISC	94-01-130	endrin	PROP	94-09-017
	MISC	94-07-070	ethyl parathion, use restrictions	PROP	94-05-061
Barley commission				PERM	94-08-035
meetings	MISC	94-03-080	lindane products, registration		
	MISC	94-07-032	and distribution	PERM	94-03-024
Beef commission			phosdrin, use restrictions	PROP	94-05-092
meetings	MISC	94-03-074		PROP	94-08-033
	MISC	94-07-093		PERM	94-09-028
Brand inspection			Plant services		
criteria	PROP	94-10-075	holly, cut spray standards	PERM	94-03-026
fees	PROP	94-10-074	Possoms		
	PROP	94-10-075	phalangeridae, import and		
livestock markets	PROP	94-10-074	possession restrictions	EMER	94-09-004
Brucellosis, tuberculosis, and			Potato commission		
scrapie control	PROP	94-01-177	meetings	MISC	94-02-086
	PERM	94-05-008	Red raspberry commission		
Certified feed lots			meetings	MISC	94-02-049
fees	PROP	94-10-076		MISC	94-07-014
Cherries			Scrapie, brucellosis, and tuberculosis		
sweet cherry containers,			control	PROP	94-01-177
marking requirements	PERM	94-03-022		PERM	94-05-008
Egg commission			Seed potatoes		
assessments	PROP	94-05-074	permit issuance	PROP	94-07-111
	PROP	94-07-038		PERM	94-11-069
commodity board membership	PROP	94-05-073	winter test tolerance	PROP	94-07-110
	PERM	94-08-091		PERM	94-11-070
Farmed salmon commission			Seeds		
assessments and collections	PROP	94-05-066	certification procedures		
	PERM	94-08-090	and fees	PROP	94-09-046
meetings	MISC	94-03-075		<b>PERM</b>	<b>94-12-046</b>
Feed			sampling and testing	PROP	94-09-046
commercial feed inspection fees	PROP	94-05-060		<b>PERM</b>	<b>94-12-046</b>
	PERM	94-08-034	Strawberry commission		
Feed lots			meetings	MISC	94-03-067
fees	PROP	94-10-076	Tuberculosis		
Fees	PROP	94-06-058	brushtail possums (phalangeridae),		
	PROP	94-09-052	import and possession		
	PROP	94-09-054	restrictions	EMER	94-09-004
	PROP	94-09-055			
	PROP	94-09-072			
	PERM	94-10-002			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Tuberculosis, brucellosis, and scrapie control	PROP 94-01-177	<b>BIG BEND COMMUNITY COLLEGE</b>	PROP 94-01-049
	PERM 94-05-008	Public records, availability	PERM 94-07-019
Weeds		Rules coordinator	MISC 94-07-005
noxious weed list	MISC 94-01-076		
Weights and measures calibration services, fees	PROP 94-09-054	<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>	
	PERM 94-12-035	Definitions	PROP 94-07-067
		Vendors	PERM 94-11-054
Wheat commission meetings	MISC 94-01-020	department responsibility to maintain facilities	PROP 94-07-067
Wine commission meetings	MISC 94-02-088		PROP 94-11-053
			PROP 94-12-072
<b>ARTS COMMISSION</b>			
Rules coordinator	MISC 94-01-099	<b>BOILER RULES, BOARD OF</b>	
		(See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )	
<b>ATTORNEY GENERAL'S OFFICE</b>			
Lemon law administration	PROP 94-06-050	<b>BUILDING CODE COUNCIL</b>	
Opinion, notice of request for	MISC 94-01-189	Amendments to state building code policies and procedures	PERM 94-05-058
	MISC 94-05-090	window thermal efficiency standards	PROP 94-05-102
	MISC 94-06-067		EMER 94-05-007
	MISC 94-09-064	Energy code	PERM 94-05-059
	MISC 94-11-121	log and solid timber homes	PROP 94-12-017
	MISC 94-12-094	Meetings	MISC 94-06-011
Opinions		Residences, consideration of local government amendments	PROP 94-12-015
district courts, judges pro tempore (1994, No. 4)	MISC 94-08-059	Ventilation and indoor air quality code	PROP 94-12-016
elected officials' salaries (1994, No. 8)	MISC 94-11-015		
firearms in school facilities (1994, No. 1)	MISC 94-04-029	<b>CENTRAL WASHINGTON UNIVERSITY</b>	
higher education institutions, fundraising and gifts (1993, No. 18)	MISC 94-01-144	Parking and traffic	PROP 94-07-090
judicial branch, travel and expense reimbursement policies (1994, No. 7)	MISC 94-10-032		EMER 94-07-091
higher education institutions, public works contracts (1993, No. 19)	MISC 94-01-145	Rules coordinator	PERM 94-10-049
marine safety, office's authority to establish emergency response system and tugboat (1994, No. 2)	MISC 94-07-004		MISC 94-01-105
port districts, pilotage service (1994, No. 3)	MISC 94-08-058	<b>CENTRALIA COLLEGE</b>	
salaries of elected officials (1994, No. 8)	MISC 94-11-015	Meetings	MISC 94-03-014
school buses, bonds issuance for acquisition (1994, No. 6)	MISC 94-10-018	<b>CLARK COLLEGE</b>	
telephone records of legislature (1994, No. 5)	MISC 94-08-083	Meetings	MISC 94-02-022
tuberculosis, authority of local health officer to control spread (1993, No. 20)	MISC 94-02-061	<b>CLOVER PARK TECHNICAL COLLEGE</b>	
Organization and operation	PROP 94-06-050	Rules coordinator	MISC 94-01-043
Public records, availability	PROP 94-06-050		
		<b>CODE REVISER'S OFFICE</b>	
		Preproposal statement of intent	PROP 94-09-045
			PERM 94-12-075
<b>BATES TECHNICAL COLLEGE</b>		<b>COLUMBIA BASIN COLLEGE</b>	
Meetings	MISC 94-01-045	Meetings	MISC 94-12-037
		<b>COLUMBIA RIVER GORGE COMMISSION</b>	
<b>BELLEVUE COMMUNITY COLLEGE</b>		Appeals from county ordinances	MISC 94-07-034
Admission	PROP 94-01-091		MISC 94-11-013
	PERM 94-04-098	Economic development certification process	MISC 94-11-014
Meetings	MISC 94-03-011		
Refund policy	PERM 94-01-181	<b>COMBINED FUND DRIVE, STATE EMPLOYEE</b>	
Registration	PROP 94-01-091	(See <b>GOVERNOR, OFFICE OF THE</b> )	
	PERM 94-04-098		
Residency classification	PROP 94-01-091	<b>COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR</b>	
	PERM 94-04-098	Adult education advisory council meetings	MISC 94-12-023
		Rules coordinator	MISC 94-01-023
<b>BELLINGHAM TECHNICAL COLLEGE</b>		Running start program	PROP 94-01-096
Meetings	MISC 94-03-013		PROP 94-01-113
	MISC 94-03-033		PERM 94-04-120
	MISC 94-05-030		
	MISC 94-07-006		
	MISC 94-08-086		
	MISC 94-10-087		

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### COMMUNITY DEVELOPMENT, DEPARTMENT OF (See also COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

Affordable housing advisory board  
meetings MISC 94-03-062

Fire protection services division  
meetings MISC 94-01-017  
MISC 94-02-038  
MISC 94-03-064

Public works board  
meetings MISC 94-01-135  
MISC 94-06-007

### COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (See also COMMUNITY DEVELOPMENT, DEPARTMENT OF and TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

Affordable housing advisory board  
meetings MISC 94-08-026

Fire protection policy board  
meetings MISC 94-09-015

Hardwoods commission  
meetings MISC 94-11-025

### CONVENTION AND TRADE CENTER

Meetings MISC 94-01-068  
MISC 94-03-040  
MISC 94-06-005  
MISC 94-08-062  
MISC 94-09-032  
MISC 94-11-067

### CORRECTIONS, DEPARTMENT OF

Community residential programs MISC 94-07-065

Work/training release MISC 94-07-065

### COUNTY ROAD ADMINISTRATION BOARD

Land area ratio, computation PERM 94-01-115

Meetings MISC 94-01-007  
MISC 94-06-056  
MISC 94-10-088

Payment of vouchers PROP 94-06-031  
PERM 94-10-021

Projects  
funds allocation PROP 94-06-028  
PROP 94-06-030  
PERM 94-10-022  
PERM 94-10-023  
prioritization PROP 94-06-028  
PROP 94-06-029  
PERM 94-10-020  
PERM 94-10-022

Rural arterials PERM 94-01-116  
PROP 94-11-123

### DEAF, WASHINGTON SCHOOL FOR THE

Rules coordinator MISC 94-08-063

Student conduct code PROP 94-08-066

### DEFERRED COMPENSATION, COMMITTEE FOR

Rules coordinator MISC 94-03-058

### EASTERN WASHINGTON UNIVERSITY

Meetings MISC 94-04-014  
MISC 94-06-019  
MISC 94-07-015  
MISC 94-09-038

Rules coordinator MISC 94-01-031

### ECOLOGY, DEPARTMENT OF

Air quality  
fees PROP 94-04-105  
PROP 94-04-106  
PROP 94-08-072  
PERM 94-10-042  
PROP 94-10-079

gasoline vapor control, compliance  
schedules PERM 94-07-040  
PROP 94-04-104  
PROP 94-08-073  
PERM 94-11-105  
PERM 94-05-039  
PERM 94-02-041  
PERM 94-07-040

motor vehicle emission inspection  
operating permits  
oxygenated gasoline program  
particulate matter standard  
for Seattle, Duwamish Valley and  
Tacoma tideflats MISC 94-03-065

Puget Sound carbon monoxide state  
implementation plan MISC **94-12-084**

registration program  
interim fee PROP 94-04-105  
PERM 94-10-042

toxic air pollutants, control  
of sources PERM 94-03-072  
woodstoves MISC 94-01-026  
Annual rule plan MISC 94-01-170  
Beverage containers PROP 94-03-071  
PERM 94-07-078  
PERM 94-04-030

Centennial clean water  
Clean Air Act  
civil sanctions PROP 94-10-078  
PROP 94-01-173  
PROP 94-08-092  
**PERM 94-12-018**  
PROP 94-01-089

facilities, requirements  
toxic air pollutants,  
control of sources PERM 94-03-072  
PERM 94-01-060  
PROP 94-01-089  
MISC 94-10-028

tracking system  
Dairy waste general discharge permit  
Dangerous waste  
designation PROP 94-01-089

Environmental Policy Act  
exemptions from detailed  
statement requirements PROP 94-03-071  
PERM 94-07-078

Forest practices  
forested bogs and fens protection EMER 94-04-108  
PROP 94-08-071  
**EMER 94-12-054**

Fresh fruit packing industry  
water discharge permit MISC 94-03-091

Gravel mining and quarrying industry  
water discharge permit program MISC 94-07-106

Growth Management Act integration  
with State Environmental Policy  
Act (SEPA) EMER **94-12-032**

Model Toxics Control Act  
responsiveness summary MISC 94-03-096

Motor vehicles  
emission inspection PERM 94-05-039

Noise control  
watercraft noise levels PROP 94-05-037  
**PERM 94-12-001**

Oil handling facilities  
operations and design standards PROP 94-01-171  
PROP 94-01-172  
PERM 94-10-083  
PERM 94-10-084

Puget Sound regional council  
joint public hearing MISC 94-05-091  
MISC 94-06-054

Resource damage assessment committee  
meetings MISC 94-01-061

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Shoreline master programs			site acceptance criteria	PERM	94-01-014
Asotin County	PROP	94-03-093	School facilities		
Chelan County	PROP	94-03-092	modernization, eligibility for financial		
	PERM	94-10-081	assistance	PROP	94-08-105
Gig Harbor, city of	PROP	94-07-074	Teachers		
	PROP	94-10-040	certification requirements	PERM	94-01-101
Olympia, city of	PROP	94-07-119	Teaching internship certificates	PROP	94-08-106
Port Orchard, city of	PROP	94-04-107			
	PERM	94-10-082			
Port Townsend, city of	PROP	94-01-174	<b>EMPLOYMENT SECURITY DEPARTMENT</b>		
	PROP	94-05-038	Overpayments		
	PERM	94-07-013	interest charges	EMER	94-02-028
	PROP	94-07-120		PROP	94-04-124
Raymond, city of	PROP	94-10-041	Temporary total disability	PERM	94-10-044
San Juan County	PERM	94-03-095	definitions	EMER	94-02-029
Snohomish County	PROP	94-03-094		PERM	94-07-115
Tumwater, city of	PROP	94-10-080	exclusions	EMER	94-02-029
	PROP	94-03-071		PERM	94-07-115
	PERM	94-07-078	failure to apply in timely manner	EMER	94-02-029
				PERM	94-07-115
Tire recycling and removal			injuries, additional	EMER	94-02-029
				PERM	94-07-115
Wastewater					
dairy waste general discharge permit	MISC	94-10-028			
discharge permit program					
fees	PROP	94-02-080			
	PROP	94-05-082			
	PERM	94-10-027	<b>ENERGY FACILITY SITE EVALUATION COUNCIL</b>		
			Radioactive emissions from facilities	PROP	94-12-036
Water quality					
centennial clean water	PERM	94-04-030	<b>ENERGY OFFICE</b>		
Woodstoves			Electric energy curtailment plan	PROP	94-08-070
buy back program	MISC	94-01-026		PROP	94-11-128
sales ban on uncertified woodstoves	MISC	94-01-026			
			<b>EVERETT COMMUNITY COLLEGE</b>		
<b>EDMONDS COMMUNITY COLLEGE</b>			Rules coordinator	MISC	94-01-071
Meetings	MISC	94-01-086			
	MISC	94-02-023	<b>EVERGREEN STATE COLLEGE, THE</b>		
	MISC	94-03-076	Meetings	MISC	94-01-092
	MISC	94-05-068	Rules coordinator	MISC	94-01-072
	MISC	94-07-056			
	MISC	94-09-036	<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>		
	MISC	94-11-084	Mortgage brokers and loan originators		
			licensing	PERM	94-03-009
Students' rights and responsibilities			Transactions, registration exemptions	PERM	94-03-061
disciplinary actions	PERM	94-03-010			
			<b>FINANCIAL MANAGEMENT, OFFICE OF</b>		
<b>EDUCATION, STATE BOARD OF</b>			1995 state paydates	PROP	94-10-055
Administrator internship program	PROP	94-05-034	Financial institutions, department of		
	PERM	94-08-055	loans to department director and employees		
American Indian language and culture,			by financial institutions	PERM	94-09-010
instruction	PERM	94-03-104	Rules coordinator	MISC	94-06-057
Certification requirements	PERM	94-01-101			
Continuing education			<b>FISH AND WILDLIFE, DEPARTMENT OF</b>		
definition	PERM	94-01-104	(See also <b>FISHERIES, DEPARTMENT OF,</b> and		
Corporal punishment			<b>WILDLIFE, COMMISSION AND DEPARTMENT)</b>		
conditions and prohibitions	PERM	94-03-102	<u>Fishing, commercial</u>		
Credit for high school graduation,			baitfish		
definition	PERM	94-03-100	areas and seasons	EMER	94-09-021
Educational center, "educational clinic"			coastal bottomfish		
changed to "educational center"	PERM	94-03-103	catch limits	PROP	94-10-073
Educational staff associates			sablefish	EMER	94-11-073
assignment	PERM	94-01-103	whiting	EMER	94-11-074
Exit examination	PERM	94-01-102	licenses	PROP	94-11-005
General educational development (GED)				EMER	94-11-006
test eligibility, authority to			marine fish		
regulate	PERM	94-03-101	rule and definitions	PROP	94-12-007
High school credit, definition	PERM	94-03-100		PERM	94-12-009
	PROP	94-08-067		MISC	94-12-061
	MISC	94-01-029	salmon		
Meetings			Columbia River above Bonneville	EMER	94-11-106
Regional committees			Columbia River below Bonneville	EMER	94-07-009
election of members	PROP	94-08-103	Columbia River tributaries		
School construction			areas and seasons	EMER	94-09-022
contracts, awarding of	PERM	94-01-013	Grays Harbor		
documents, approval	PERM	94-01-014	areas and seasons	EMER	94-09-070
growth impact fees and mitigation			Puget Sound		
payments	PERM	94-01-030	areas and seasons	PROP	94-09-071
payments, sequence	PROP	94-08-104			
retainage process	PROP	94-05-088			
	PROP	94-08-068			



## Subject/Agency Index

(Citation in bold type refer to material in this issue)

Willapa Bay			halibut		
area and seasons	PROP	94-09-070	areas and seasons	EMER	94-10-043
sea cucumbers				<b>EMER</b>	<b>94-12-062</b>
areas and seasons	EMER	94-10-037	licenses	PROP	94-11-005
shad				EMER	94-11-006
Columbia River	EMER	94-11-107	salmon		
shellfish			areas and seasons	EMER	94-08-014
rules and definitions	<b>PROP</b>	<b>94-12-007</b>		EMER	94-08-049
	<b>PERM</b>	<b>94-12-009</b>		EMER	94-10-036
	<b>MISC</b>	<b>94-12-061</b>		EMER	94-10-043
shrimp fishery				EMER	94-10-068
Puget Sound	PERM	94-07-092		EMER	94-11-075
	EMER	94-11-072		EMER	94-11-127
spawn on kelp			nonanadromous salmon	<b>EMER</b>	<b>94-12-012</b>
licenses	EMER	94-07-063	shad		
	EMER	94-07-077	areas and seasons	EMER	94-10-043
vessels			shellfish		
licenses	PROP	94-11-005	areas and seasons		
	EMER	94-11-006	abalone	EMER	94-10-043
Northern squawfish sport-reward			native clams	EMER	94-07-052
fishery	PERM	94-09-019		EMER	94-07-076
<u>Fishing, personal use</u>				EMER	94-10-043
bottomfish				<b>EMER</b>	<b>94-12-033</b>
areas and seasons	EMER	94-10-043	oysters	EMER	94-07-052
definitions	EMER	94-10-043		EMER	94-07-076
food fish				EMER	94-10-043
areas and seasons	EMER	94-10-043	razor clams	<b>EMER</b>	<b>94-12-033</b>
game fish seasons and catch limits, 1994-95				EMER	94-07-003
Baker Lake	PERM	94-09-066		EMER	94-08-009
	EMER	94-11-068		EMER	94-09-023
Caliche Lakes	PROP	94-11-125	unlawful acts	EMER	94-10-038
Cascade River	PROP	94-09-069	shrimp	EMER	94-10-043
Cedar River	PROP	94-09-069		EMER	94-11-072
	<b>PERM</b>	<b>94-12-067</b>	sturgeon	<b>EMER</b>	<b>94-12-008</b>
Columbia River	PERM	94-09-068	areas and seasons	EMER	94-10-043
Coweeman River	PROP	94-09-069	Vessels		
Cowlitz River	PROP	94-09-069	licenses	PROP	94-11-005
Dabblers Lake	PROP	94-11-125		EMER	94-11-006
Dungeness River	PROP	94-09-069	Game management units		
Ellen Lake	PROP	94-11-125	boundary descriptions	PERM	94-11-031
Elochoman River	PROP	94-09-069		PERM	94-11-032
Grande Ronde River	PERM	94-09-067		PERM	94-11-033
Grays River	PROP	94-09-069		PERM	94-11-034
Green River	PROP	94-09-069		PERM	94-11-035
Hampton Lakes	PROP	94-11-125		PERM	94-11-036
Hen Lake	PROP	94-11-125		PERM	94-11-037
Homestead Lake	PROP	94-11-125		PERM	94-11-038
Kalama River	PROP	94-09-069		PERM	94-11-039
Katey Lake	PROP	94-11-125		PERM	94-11-040
Lake Washington	PROP	94-09-069		PERM	94-11-041
	<b>PERM</b>	<b>94-12-067</b>		PERM	94-11-042
Lake Wenatchee	EMER	94-09-005		PERM	94-11-043
Lewis River	PROP	94-09-069		PERM	94-11-044
Magpie Lake	PROP	94-11-125		PERM	94-11-045
Marie Lake	PROP	94-11-125	Hunting seasons		
Nooksack River	PROP	94-09-069	deer and bear, 1994-97	PERM	94-11-046
	<b>PERM</b>	<b>94-12-067</b>	deer and elk, 1994-95	PERM	94-11-051
Quilcene River	PROP	94-09-069	elk, 1994-97	PERM	94-11-048
Salmon Creek	PROP	94-09-069		EMER	94-11-078
Sauk River	PERM	94-09-067	hunting hours and small		
	PROP	94-09-069	game seasons, 1994-97	PERM	94-11-047
Shannon Lake	PERM	94-09-066	special closures and firearm		
Shannon Reservoir	EMER	94-11-068	restriction areas	PERM	94-11-049
Skagit River	PROP	94-09-069		<b>EMER</b>	<b>94-12-068</b>
	<b>PERM</b>	<b>94-12-067</b>		<b>EMER</b>	<b>94-12-069</b>
Skamokawa Creek	PROP	94-09-069	special hunting and trapping		
Skokomish River	PROP	94-09-069	seasons permits	PERM	94-11-030
Spada Lake	EMER	94-09-005	special species, 1994-95	PERM	94-11-050
Suitttle River	PROP	94-09-069	Hydraulics projects		
Toutle River	PROP	94-09-069	regulations	PROP	94-11-126
Tucannon River	PERM	94-09-067	Trapping		
Wannacut Lake	PROP	94-11-125	special hunting and trapping		
Washougal River	PROP	94-09-069	seasons permits	PERM	94-11-030
general provisions					
lakes	EMER	94-11-068			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### FISHERIES, DEPARTMENT OF (See also FISH AND WILDLIFE, DEPARTMENT OF)

#### Commercial

baitfish  
   areas and seasons EMER 94-04-047  
 bottomfish  
   coastal bottomfish catch limits EMER 94-02-039  
   EMER 94-05-003  
 licenses PERM 94-01-001  
   EMER 94-02-040  
 marine fish  
   rules and definitions PROP 94-03-106  
 salmon  
   Columbia River above Bonneville,  
   seasons EMER 94-04-048  
   Columbia River below Bonneville,  
   seasons EMER 94-04-101  
   EMER 94-06-042  
 sea urchins  
   area and seasons EMER 94-01-109  
   EMER 94-01-152  
   EMER 94-03-063  
   EMER 94-05-055  
 shellfish  
   rules and definitions PROP 94-03-106  
 shrimp  
   Puget Sound PROP 94-03-098  
 sturgeon  
   Columbia River  
   above Bonneville, seasons EMER 94-02-010  
   vessel designation EMER 94-02-040  
   vessel registration PERM 94-01-001

#### Personal use

food fish  
   rules and definitions PROP 94-03-105  
   licenses PERM 94-01-001  
   EMER 94-02-040  
 salmon  
   area closures EMER 94-01-012  
 shellfish  
   rules and definitions PROP 94-03-105  
 Shellfish  
   pots, setting requirements EMER 94-05-002

### FOREST PRACTICES APPEALS BOARD

Appeals EMER 94-07-062  
 PROP 94-07-097  
 PERM **94-12-030**

### FOREST PRACTICES BOARD

Enforcement PERM 94-01-134  
 Marbled murrelet  
   critical wildlife habitats EMER 94-07-053  
   PROP **94-12-076**  
 Meetings MISC 94-01-133  
 Penalties  
   assessment and enforcement PERM 94-01-134  
 Spotted owl habitat protection EMER 94-05-046  
 Wetlands  
   forested bogs and fens EMER 94-01-124  
   PROP 94-09-029  
   EMER 94-09-030

### GAMBLING COMMISSION

Amusement games  
   approval and authorization PERM 94-01-036  
 Bingo  
   disposable bingo cards PERM 94-01-034  
   electronic bingo card daubers PROP 94-10-005  
   PROP 94-11-094  
   equipment requirements PERM 94-01-033  
   sale of bingo cards PROP 94-10-005  
 Card games  
   authorized types PROP 94-10-006

house dealers PROP 94-10-006  
 wager limits PROP 94-10-006  
 Charitable or nonprofit organizations  
   qualifications, procedures, and  
   responsibilities PERM 94-01-035  
 Firearms as prizes PROP 94-10-005  
 Meetings MISC 94-01-037  
   MISC 94-04-099  
   MISC 94-05-047  
   MISC 94-07-099  
 Nonprofit or charitable organizations  
   qualification, procedures, and  
   responsibilities PERM 94-01-035  
 Prohibited activities PROP 94-10-005  
 Punchboards and pull tabs  
   retention requirements PERM 94-01-032  
 Rules coordinator MISC 94-07-100  
 Rules, housekeeping changes PROP 94-04-024  
   PROP 94-07-083  
   PERM 94-07-084  
   PERM 94-11-095

### GENERAL ADMINISTRATION, DEPARTMENT OF

Commodity redistribution PROP 94-11-007  
 Inmate work programs  
   state purchasing practices PROP 94-10-053  
 Parking program for facilities off  
   state capitol grounds PROP 94-09-047  
 Surplus property disposal PROP 94-11-007

### GOVERNOR, OFFICE OF THE

Clemency and pardons board  
   meetings MISC 94-03-090  
   MISC 94-06-015  
   MISC 94-10-017  
   MISC **94-12-020**  
 Combined fund drive, state employee  
   charity membership criteria PERM 94-01-038  
 Efficiency and accountability commission  
   meetings MISC 94-04-100  
 Energy strategy, implementation MISC 94-03-088  
 Family policy council advisory  
   committee MISC **94-12-013**  
 Low-income housing tax credit allocations MISC 94-08-089  
 Multimodal transportation programs and projects  
   selection committee  
   funds, distribution PROP 94-05-100  
   EMER 94-05-101  
   PERM 94-10-030  
   PERM 94-11-081  
   MISC 94-01-182  
   MISC 94-04-039  
   PROP 94-05-100  
   EMER 94-05-101  
   PERM 94-10-030  
   PERM 94-11-081  
   EMER 94-01-069  
   EMER 94-04-015  
   PROP 94-10-029  
   EMER 94-10-031  
 meetings  
 operating procedures PROP 94-05-100  
   EMER 94-05-101  
   PERM 94-10-030  
   PERM 94-11-081  
   EMER 94-01-069  
   EMER 94-04-015  
   PROP 94-10-029  
   EMER 94-10-031  
 project selection process  
 supplemental applications  
 National and community service,  
   commission on membership and duties MISC 94-06-009  
 School-to-work transition, council on  
   establishment MISC 94-04-070  
 Watershed planning, implementation,  
   and restoration for fish and wildlife MISC 94-08-088

### GRAYS HARBOR COLLEGE

Meetings MISC 94-02-024

### GREEN RIVER COMMUNITY COLLEGE

Adjudicative proceedings PERM 94-04-051  
 Meetings MISC 94-02-087  
 Parking and traffic PERM 94-04-051  
 PERM 94-04-052

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Smoking regulations	PERM	94-04-054	licenses	
Tenure	PERM	94-04-053	renewal form	PROP 94-11-080
<b>GROWTH PLANNING HEARINGS BOARDS</b>			meetings	MISC 94-04-110
Meetings	MISC	94-01-053	recordkeeping requirements	PROP 94-11-080
	MISC	94-01-067	scope of practice	PROP 94-11-080
	MISC	94-01-077	Dental disciplinary board	
Practice and procedure	PROP	94-01-097	adjudicative proceedings	PROP 94-03-045
	PROP	94-07-007	meetings	MISC 94-04-074
	PERM	94-07-033	Dental examiners, board of	
Rules coordinator	MISC	94-01-053	adjudicative proceedings	PROP 94-03-044
				PERM 94-08-011
<b>HARDWOODS COMMISSION</b>			dentist fees	<b>PERM 94-12-038</b>
(See <b>TRADE AND ECONOMIC DEVELOPMENT,</b>			examinations, eligibility	PERM 94-02-058
<b>DEPARTMENT OF)</b>			and application	PROP 94-06-046
				PERM 94-11-088
<b>HEALTH CARE AUTHORITY</b>			meetings	MISC 94-04-072
Basic health plan			Dental hygienists	
benefits	EMER	94-06-032	education requirements	PROP 94-01-056
	PROP	94-07-075		PERM 94-05-053
eligibility	EMER	94-06-032	licenses	
	PROP	94-07-075	fees	PERM 94-02-059
enrollment	EMER	94-06-032	reinstatement of expired license	PERM 94-04-005
	PROP	94-07-075	meetings	MISC 94-04-073
hearings and grievances	EMER	94-06-032	Health statistics, center for	
	PROP	94-07-075	pregnancy terminations,	
Group purchasing association caregivers			reporting	PERM 94-04-083
health plan			Hearings aids, fitters and dispensers	
eligibility	EMER	94-08-028	licenses	
Public employees benefits board			inactive status	PERM 94-08-038
insurance plans			trainees, standards of training and	
eligibility	EMER	94-08-027	supervision	PROP 94-08-037
meetings	MISC	94-03-007		PERM 94-11-108
	MISC	94-08-008		
<b>HEALTH CARE FACILITIES AUTHORITY</b>			HIV	
Health care facilities, definition			health insurance eligibility	PROP 94-01-057
and categorization	PROP	<b>94-12-021</b>		PERM 94-06-048
Nursing homes			Home care	PROP 94-10-046
financial assistance criteria	PROP	<b>94-12-022</b>	Home health agencies	
<b>HEALTH SERVICES COMMISSION</b>			deemed status	PROP 94-10-047
Competitive oversight and antitrust			licenses	PROP 94-10-047
immunity	PROP	94-06-060	policies and procedures	PROP 94-10-047
	PROP	<b>94-12-078</b>	volunteers	PROP 94-10-047
	PROP	<b>94-12-081</b>	Hospice	
Managed competition and antitrust			deemed status	PROP 94-10-045
immunity	PROP	94-06-059	licenses	PROP 94-10-045
Meetings	MISC	94-04-129	policies and procedures	PROP 94-10-045
	MISC	94-07-094	volunteers	PROP 94-10-045
Organization and operation	PROP	94-01-141	Hospitals	
	PERM	94-04-046	budgets and accounting	PROP 94-09-026
Provider selection, termination, and				<b>PERM 94-12-089</b>
dispute resolution	PROP	94-10-085	data collection and reporting	PROP 94-09-026
	PROP	<b>94-12-079</b>	fee schedules	<b>PERM 94-12-089</b>
Rules coordinator	MISC	94-01-070		PROP 94-09-026
	MISC	94-09-013	patient discharge reporting	PROP 94-09-007
Supplier certification standards	PROP	<b>94-12-080</b>		<b>PERM 94-12-090</b>
Uniform benefits package,			public records	PROP 94-09-026
transition to	PROP	94-11-109		<b>PERM 94-12-089</b>
			Kidney centers	PERM 94-05-052
<b>HEALTH, DEPARTMENT OF</b>			Laboratories	
Abortion facilities			medical test sites, fees	PROP 94-11-012
authority of department to regulate	PERM	94-04-083	Massage, board of	
Adjudicative proceedings			apprenticeship programs	PROP 94-06-045
disciplinary boards	PERM	94-04-078	continuing education	PROP 94-01-055
secretary programs and professions	PERM	94-04-079		PROP 94-05-080
Boarding homes			meetings	PROP 94-06-045
nursing care for residents	PERM	94-01-058	licensure	
standards, revised provisions	PROP	94-08-040	examination	PROP 94-05-080
Chiropractic disciplinary board			initial application	PROP 94-06-045
adjudicative proceedings	PROP	94-03-053	training	PROP 94-06-045
	PERM	94-08-053	without examination	PROP 94-05-080
cooperation with investigation	PROP	94-11-080	Medical disciplinary board	
future care contracts	PROP	94-02-016	adjudicative proceedings	PROP 94-07-011

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Medical examiners, board of examinations		procedural rules	PROP	94-11-089
reciprocity or waiver scores	PROP 94-08-095	reciprocity	PROP	94-04-113
physician assistants	PROP 94-08-095	recordkeeping requirements	PERM	94-08-099
alternate sponsoring or supervising physicians, relationship with	PROP 94-08-094	wildlife, department of approved legend drug use	PROP	94-11-091
Medical test sites		Physical therapy, board of adjudicative proceedings	PERM	94-02-060
fees	PROP 94-11-012	licenses		
Nursing, board of		applicants	PERM	94-05-014
advanced registered nurse practitioners education requirements	PROP 94-10-056	continuing competency	PERM	94-05-014
scope of practice	PROP 94-11-079	endorsement, licensure by interim permits	PERM	94-05-014
registered nurses	PROP 94-10-056	meetings	MISC	94-02-056
continuing education	PROP 94-11-079	Physician assistants		
licensure	PROP 94-10-057	alternate sponsoring or supervising physicians, relationship with	PROP	94-08-094
computer adaptive testing	PROP 94-10-057	Podiatric medical board		
	PROP 94-01-132	adjudicative proceedings	PROP	94-05-081
	PERM 94-07-012		PERM	94-09-008
Nursing home administrators, board of			PERM	94-05-051
fees	PROP 94-05-065	continuing education	PERM	94-05-051
meetings	PERM 94-09-006	licensure eligibility	PERM	94-05-051
	MISC 94-03-054	patient records	PERM	94-05-051
	MISC 94-10-011	substance abuse monitoring program	PROP	94-08-079
Occupational therapy practice board		unlicensed persons, authorized acts	PERM	94-05-051
AIDS education and training education programs	PROP 94-10-059	Pools		
licenses	PROP 94-10-059	construction and operating permits, fees	PROP	94-07-121
On-site sewage systems requirements	PROP 94-10-059		PERM	94-11-056
Opticians	PERM 94-09-025	Practical nursing, board of		
contact lenses		fees	PROP	94-05-035
fitting and dispensing	PROP 94-02-057		PERM	94-08-102
records retention	PERM 94-06-047	licensure		
fees	PROP 94-02-057	examination	PROP	94-05-033
	PROP 94-06-047	qualifications	PERM	94-08-050
	PROP 94-05-032	student records	PROP	94-05-033
	PERM 94-08-078		PERM	94-08-050
Optometry board		Psychology, examining board of		
continuing education	PERM 94-04-041	continuing education	PROP	94-08-039
sexual misconduct	PERM 94-04-041	licensure	PERM	94-12-039
Osteopathic medicine and surgery, board of		applications	PROP	94-08-039
adjudicative proceedings	PROP 94-11-093	examination	PERM	94-12-039
examinations	PROP 94-11-093	prerequisites	PROP	94-08-039
physician assistants			PERM	94-12-039
licensure	PROP 94-11-093	Quality improvement program for health care facilities and providers	PROP	94-09-042
prescriptions	PROP 94-11-093	Radiation protection, division of environmental radioactivity		
Pharmacy, board of		cleanup standards	PROP	94-09-041
adjudicative proceedings	PROP 94-11-089	radiation levels	PROP	94-09-041
compounding practices	PROP 94-02-079	fees	PROP	94-01-142
continuing education	PERM 94-08-101		PROP	94-07-107
controlled substances	PROP 94-11-092	radiation protection standards	PROP	94-07-108
destruction of schedule II substances in nursing homes	PERM 94-02-077		PERM	94-11-010
list corrections and additions	PROP 94-02-089		PERM	94-11-011
	PROP 94-04-111		PROP	94-01-059
	PERM 94-07-105		PERM	94-01-073
	PERM 94-08-098		PROP	94-01-142
ephedrine prescription restrictions	PROP 94-02-078		PROP	94-06-016
examinations	PERM 94-08-100		PERM	94-06-017
fees	PROP 94-04-113			
good compounding practices	PERM 94-08-099			
hospital pharmacy standards	PERM 94-05-036			
licenses	PROP 94-02-079	radioactive air emissions, regulations	PERM	94-07-010
renewal notices	PERM 94-08-101	Radiologic technology advisory committee		
patient medication record systems	PROP 94-11-091	meetings	MISC	94-04-103
pharmacy assistants	PROP 94-01-088	Sewage systems, on-site requirements	PERM	94-09-025
specialized functions	PROP 94-04-112	Sex offender treatment providers		
	PERM 94-08-097	certification	PROP	94-09-027
		definitions	PROP	94-09-027

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

education requirements	PROP	94-09-027	<b>HUMAN RIGHTS COMMISSION</b>	
fees	PROP	94-09-027	Disability discrimination	PROP 94-04-087
professional conduct			Meetings	MISC 94-01-119
and standards	PROP	94-09-027		MISC 94-01-120
treatment standards	PROP	94-09-027		MISC 94-03-083
Shellfish sanitation control	<b>PROP</b>	<b>94-12-087</b>		MISC 94-05-087
	<b>PROP</b>	<b>94-12-088</b>		MISC 94-06-002
Transient accommodations	PROP	94-10-058		MISC 94-07-118
Tuberculosis control	<b>PROP</b>	<b>94-12-048</b>		MISC 94-09-037
Uniform Disciplinary Act				MISC 94-11-052
model procedural rules for boards	PERM	94-04-078	Preemployment inquiries	PROP 94-04-087
secretary programs and professions,			Pregnancy discrimination	PROP 94-04-087
adjudicative proceedings	PERM	94-04-079	Sex discrimination	PROP 94-04-087
Veterinary medication clerks				
fees	PROP	94-08-076	<b>HYDRAULIC APPEALS BOARD</b>	
	EMER	94-08-077	Rules of procedure	EMER 94-07-059
scope of functions	EMER	94-08-051		PROP 94-07-096
	PROP	94-08-052		<b>PERM 94-12-029</b>
supervision	EMER	94-08-051		
	PROP	94-08-052	<b>INDETERMINATE SENTENCE REVIEW BOARD</b>	
Vision care practitioners			Rules coordinator	MISC 94-02-067
Vision Care Consumer Assistance Act,				
implementation	PROP	94-10-026	<b>INFORMATION SERVICES, DEPARTMENT OF</b>	
training and education	EMER	94-08-051	Information services board	
	PROP	94-08-052	meetings	<b>MISC 94-12-040</b>
Water				
group A public water systems	PROP	94-08-075	<b>INSURANCE COMMISSIONER, OFFICE OF</b>	
group B public water systems	PROP	94-06-008	Agents, solicitors, and adjusters	
water works operator certification	PERM	94-04-004	continuing education	PROP 94-11-100
			licenses	PROP 94-11-100
			Annuities	PROP 94-05-057
			Audited financial statements	PROP 94-01-192
				PERM 94-04-045
			Financial statements	PROP 94-01-192
				PERM 94-04-045
			Health care service contractors	
			custodial care benefits	PROP 94-05-056
			participating provider contracts	PROP 94-01-075
			preexisting condition limitations,	
			restrictions	PROP 94-04-125
				PERM 94-08-081
			Health insurance	
			coordination of benefits	PROP 94-11-122
			custodial care benefits	PROP 94-05-056
			health plan providers	
			dispute resolution	PROP 94-10-077
			selection	PROP 94-10-077
			termination	PROP 94-10-077
			off-label drugs	PROP 94-05-070
			preexisting condition limitations,	
			restrictions	PROP 94-04-125
				PERM 94-08-081
			reinsurance agreements	PROP 94-11-082
				PROP 94-05-089
				PROP 94-08-013
				PROP 94-10-024
				<b>PROP 94-12-077</b>
			Health insurance reform short term	
			coordination of benefits	PROP 94-11-122
			form modification	PROP 94-02-065
				PROP 94-03-048
				PROP 94-03-085
			portability	PROP 94-02-065
				PROP 94-03-048
				EMER 94-03-084
				PROP 94-03-085
				PROP 94-04-126
				PROP 94-08-006
				PERM 94-08-060
			rate limitations	PROP 94-02-065
				PROP 94-03-048
				PROP 94-03-085

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

renewability	PROP	94-02-065	Safety standards	
	PROP	94-03-048	agriculture	<b>PROP</b> 94-12-095
	EMER	94-03-084	commercial diving operations	PROP 94-10-010
	PROP	94-03-085	construction	PROP 94-10-010
	PROP	94-02-065		PROP 94-11-124
unfair practices			electrical workers	PROP 94-11-124
Health maintenance organizations			firefighters	PROP 94-11-124
custodial care benefits	PROP	94-05-056	logging operations	PROP 94-11-124
participating provider contracts	PROP	94-01-075	ski lift area facilities	
preexisting condition, limitations, restrictions	PROP	94-04-125	and operations	PROP 94-11-124
	PERM	94-08-081	telecommunications	PROP 94-10-010
Life insurance			Workers' compensation	
accelerated benefits	PROP	94-05-071	classifications	PROP 94-07-128
reinsurance agreements	PROP	94-05-089		PROP 94-07-129
	PROP	94-08-013		<b>PERM</b> 94-12-051
	PROP	94-10-024		<b>PERM</b> 94-12-063
	<b>PROP</b>	<b>94-12-077</b>	general	PROP 94-01-186
Long-term care insurance			health care providers' reimbursement	PERM 94-02-045
home health care	PROP	94-09-050		PERM 94-03-008
	PROP	94-11-096		
inflation protection	PROP	94-09-050	logging or tree thinning,	PROP 94-06-055
	PROP	94-11-096	mechanized operations	<b>PERM</b> 94-12-051
preproposal comments	PROP	94-09-048		PROP 94-07-126
standards	PROP	94-09-050	medical aid rules and fee schedule	PROP 94-07-127
	PROP	94-11-096	rates and rating system	<b>PERM</b> 94-12-050
			respiratory impairment, evaluation	PERM 94-03-073
Malpractice insurance			self-insurance	
midwifery and birthing centers	PERM	94-02-053	accident reports and claims	<b>PROP</b> 94-12-096
Midwifery and birthing centers			admission and termination of members	<b>PROP</b> 94-12-096
malpractice joint underwriting authority	PERM	94-02-053	assessments	PROP 94-03-006
	PROP	94-09-049	certification	PERM 94-05-042
			claims	<b>PROP</b> 94-12-096
<b>INTEREST RATES</b>			employee rights	PROP 94-03-006
(See inside front cover)				PERM 94-05-042
			surety	PROP 94-03-006
<b>INVESTMENT BOARD</b>				PERM 94-05-042
Meetings	MISC	94-04-019		
<b>JUDICIAL CONDUCT, COMMISSION ON</b>			<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>	
Meetings	MISC	94-01-050	Meetings	MISC 94-01-052
	MISC	94-01-051		MISC 94-03-016
	MISC	94-11-076		
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			<b>LEGAL FOUNDATION OF WASHINGTON</b>	
Boiler rules, board of			Meetings	MISC 94-04-008
meetings	MISC	94-01-015		MISC 94-07-057
small electric boilers,			<b>LICENSING, DEPARTMENT OF</b>	
exemption from rules	EMER	94-04-006	Appraisers	
	PROP	94-05-072	allowed credits for experience	<b>PROP</b> 94-12-041
Crime victims compensation			Cemetery board	
mental health treatment fees and rules	PERM	94-02-015	fees	PERM 94-01-117
Electrical board			Escrow commission	
meetings	MISC	94-02-055	escrow officer, responsibilities	PERM 94-04-050
Electrical installations			organization and operation	PERM 94-04-050
wiring and apparatus	PERM	94-01-005	meetings	MISC 94-02-018
Electricians			Hulk haulers	
journeyman electricians			licenses	
certificate of competency	PERM	94-01-005	applications	PROP 94-07-037
Fees	PERM	94-01-100		<b>PERM</b> 94-12-052
Medical and mental health treatment			requirements	PROP 94-07-037
fees and rules	PERM	94-02-015		<b>PERM</b> 94-12-052
Occupational health standards			Landscape architects	
general	PROP	94-07-085	fees	PROP 94-01-047
	PERM	94-07-086		PERM 94-04-044
	PROP	94-10-010	licenses	
	PROP	94-11-124	examination	PROP 94-01-047
tobacco smoke in offices	PERM	94-07-086		PERM 94-04-044
Prevailing wages			renewal	PROP 94-01-047
fees for filing statements	PERM	94-01-100		PERM 94-04-044
Safety and health standards			Model traffic ordinance	PERM 94-01-082
agriculture	PROP	94-01-186		PROP 94-09-002
	EMER	94-06-044	Motor vehicles	
	PERM	94-06-068	driving under the influence	
	PROP	94-10-007	withholding ownership documents	PROP 94-08-057
general	PROP	94-10-010		

### Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

fleet vehicles					PROP	94-06-021
reciprocity and proration	PROP	94-02-025				
model traffic ordinance	PERM	94-01-082				
	PROP	94-09-002				
special fuel, tax exemption and refunds	PROP	94-02-075				
	PROP	94-02-076				
	PERM	94-11-029				
	PERM	94-11-055				
title and registration advisory committee	MISC	94-01-111				
unauthorized vehicles, procedures for taking custody of	PROP	94-04-017				
	PERM	94-08-025				
unlicensed vehicle trip permits	PROP	94-07-036				
Private security guards						
licensing fees	PROP	94-09-018				
	PROP	94-11-026				
Real estate appraisers						
residential classification	PERM	94-01-002				
Real estate commission						
meetings	MISC	94-02-018				
Title and registration advisory committee						
meetings	MISC	94-06-069				
	MISC	94-09-053				
	MISC	<b>94-12-047</b>				
Vessels						
fees	PROP	94-03-018				
registration and certificate of title	PROP	94-03-018				
<b>LIQUOR CONTROL BOARD</b>						
Agents						
limited authority	PROP	94-11-087				
Booths	PROP	94-07-125				
	PERM	94-10-035				
Breweries						
retail sale of beer on premises	PROP	94-02-013				
	PROP	94-06-021				
retailers' brewery license	PROP	94-02-013				
	PROP	94-06-021				
Cocktail lounge declassification, Sunday dining events	PROP	94-10-004				
Licenseses						
consumption of alcohol during pregnancy						
warning signs	PROP	94-10-066				
fetal alcohol syndrome or fetal alcohol effect						
warning signs	PROP	94-05-094				
	PROP	94-08-029				
hours of operation	PROP	94-05-096				
	PERM	94-08-031				
liquor possession by person under the influence prohibited	PROP	94-05-093				
	PERM	94-08-030				
private wine shippers' licenses fees	PROP	94-07-124				
	PERM	94-10-034				
samples of unpasteurized beer	PROP	94-11-086				
split case handling fee	PROP	94-10-067				
Private clubs						
advertising	PROP	94-02-014				
	PERM	94-06-022				
Public records, availability	PERM	94-03-060				
Purpose	PROP	94-11-085				
Ships chandlers						
definition	PROP	94-05-095				
	PERM	94-08-032				
purchase and receipt of beer and wine	PROP	94-05-095				
	PERM	94-08-032				
sales limits	PROP	94-10-003				
Tobacco products						
sales	PROP	94-08-010				
	PROP	94-08-023				
Wineries						
retail sale of wine on premises	PROP	94-02-013				
	PROP	94-06-021				
retailers' winery license	PROP	94-02-013				

### LOTTERY COMMISSION

<u>Instant game number 114 - Wildcard</u>						
criteria	PERM	94-03-019				
definitions	PERM	94-03-019				
ticket validation	PERM	94-03-019				
<u>Instant game number 115 - Cash Roulette</u>						
criteria	PERM	94-03-019				
definitions	PERM	94-03-019				
ticket validation	PERM	94-03-019				
<u>Instant game number 116 - Fortune</u>						
criteria	PERM	94-03-019				
definitions	PERM	94-03-019				
ticket validation	PERM	94-03-019				
<u>Instant game number 117 - Cash Crop</u>						
criteria	PERM	94-03-019				
	PROP	94-07-116				
	PERM	94-11-027				
definitions	PERM	94-03-019				
	PROP	94-07-116				
	PERM	94-11-027				
ticket validation	PERM	94-03-019				
	PROP	94-07-116				
	PERM	94-11-027				
<u>Instant game number 118 - Aces Wild</u>						
criteria	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
definitions	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
ticket validation	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
<u>Instant game number 119 - Big Bucks</u>						
criteria	PROP	94-03-099				
	PERM	94-07-029				
definitions	PROP	94-03-099				
	PERM	94-07-029				
ticket validation	PROP	94-03-099				
	PERM	94-07-029				
<u>Instant game number 119 - Lots of Bucks</u>						
criteria	PROP	<b>94-12-082</b>				
definitions	PROP	<b>94-12-082</b>				
ticket validation	PROP	<b>94-12-082</b>				
<u>Instant game number 120 - Lucky Deal</u>						
criteria	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
definitions	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
ticket validation	PROP	94-03-099				
	PERM	94-07-029				
	PROP	<b>94-12-082</b>				
<u>Instant game number 121 - Hog Mania</u>						
criteria	PROP	94-03-099				
	PERM	94-07-029				
definitions	PROP	94-03-099				
	PERM	94-07-029				
ticket validation	PROP	94-03-099				
	PERM	94-07-029				
<u>Instant game number 122 - High Card</u>						
criteria	PROP	94-07-116				
	PERM	94-11-027				
definitions	PROP	94-07-116				
	PERM	94-11-027				
ticket validation	PROP	94-07-116				
	PERM	94-11-027				
<u>Instant game number 123 - Holiday Cash</u>						
criteria	PROP	94-07-116				
	PERM	94-11-027				
definitions	PROP	94-07-116				
	PERM	94-11-027				

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ticket validation	PROP 94-07-116	Regional marine safety committees	
	PERM 94-11-027	meetings	MISC 94-01-110
<u>Instant game number 124 - Queen of Hearts</u>			MISC 94-07-039
criteria	PROP 94-07-116	Rules coordinator	MISC 94-02-021
	PERM 94-11-027		
definitions	PROP 94-07-116	<b>MARITIME COMMISSION</b>	
	PERM 94-11-027	Meetings	MISC 94-01-027
ticket validation	PROP 94-07-116		
	PERM 94-11-027	<b>MINORITY AND WOMEN'S BUSINESS</b>	
<u>Instant game number 125 - Windfall</u>		<b>ENTERPRISES, OFFICE OF</b>	
criteria	PROP 94-07-116	Agencies and educational institutions	
	PERM 94-11-027	plans, contents	PROP 94-01-164
definitions	PROP 94-07-116		PROP 94-08-110
	PERM 94-11-027		PERM 94-11-119
ticket validation	PROP 94-07-116	responsibilities	PROP 94-08-109
	PERM 94-11-027		PERM 94-11-118
<u>Instant game number 126 - Megamoney II</u>		Annual goals for participation	PROP 94-01-127
criteria	PROP 94-07-116		PERM 94-03-068
	PERM 94-11-027		PERM 94-07-064
definitions	PROP 94-07-116	Certification	
	PERM 94-11-027	applications	PROP 94-08-108
ticket validation	PROP 94-07-116		PERM 94-11-114
	PERM 94-11-027	fees	PROP 94-08-108
<u>Instant game number 127 - 7-11-21</u>			PERM 94-11-115
criteria	<b>PROP 94-12-082</b>	Contractors	
definitions	<b>PROP 94-12-082</b>	violations and penalties	PROP 94-08-107
ticket validation	<b>PROP 94-12-082</b>		PERM 94-11-117
<u>Instant game number 128 - \$2 Big Kahuna</u>		Fees	PROP 94-01-090
criteria	<b>PROP 94-12-082</b>		PROP 94-01-187
definitions	<b>PROP 94-12-082</b>		EMER 94-01-188
ticket validation	<b>PROP 94-12-082</b>		PERM 94-11-113
<u>Instant game number 129 - Beat the Dealer</u>		Subcontractor, definition	PROP 94-08-107
criteria	<b>PROP 94-12-082</b>		PERM 94-11-116
definitions	<b>PROP 94-12-082</b>		
ticket validation	<b>PROP 94-12-082</b>		
<u>Instant game number 130 - Moolah Moolah</u>		<b>MULTIMODAL TRANSPORTATION PROGRAMS</b>	
criteria	<b>PROP 94-12-082</b>	<b>AND PROJECTS SELECTION COMMITTEE</b>	
definitions	<b>PROP 94-12-082</b>	(See GOVERNOR, OFFICE OF THE)	
ticket validation	<b>PROP 94-12-082</b>	<b>NATURAL RESOURCES, DEPARTMENT OF</b>	
Instant games		Burning permits	
criteria	PERM 94-03-020	fees	PROP 94-08-093
effective date	MISC 94-07-028	Forest closures	
official end	PERM 94-03-020	closed season	EMER 94-09-020
Lotto		Forest fire advisory board	
prizes	PROP 94-03-099	meetings	MISC 94-08-012
	PERM 94-07-029	Forest practices board	
retailer settlement	PERM 94-03-020	(see <b>FOREST PRACTICES BOARD</b> )	
	MISC 94-07-028	Natural heritage advisory council	
On-line games		meetings	MISC 94-03-070
criteria	PERM 94-03-020		MISC 94-09-059
effective date	MISC 94-07-028	Natural resources, board of	
Prizes		meetings	<b>MISC 94-12-031</b>
payment	<b>PROP 94-12-082</b>		<b>MISC 94-12-091</b>
Retailers		Surface Mining Act	
effective date	MISC 94-07-028	mine reclamation	PROP 94-09-062
license termination	PROP 94-07-116	Survey monuments	
	PERM 94-11-027	removal or destruction	PROP 94-01-022
obligations	PERM 94-03-020		PERM 94-06-034
	PROP 94-07-116		
	PERM 94-11-027	<b>NORTHWEST AIR POLLUTION AUTHORITY</b>	
procedures	PERM 94-03-020	Air contaminant sources	
retailer settlement	PERM 94-03-020	reporting	PERM 94-01-108
		Fees	PERM 94-01-108
		Operating permits	PERM 94-01-108
<b>MARINE EMPLOYEES' COMMISSION</b>			
Meetings	MISC 94-07-002	<b>OLYMPIC COLLEGE</b>	
		Meetings	MISC 94-01-122
<b>MARINE OVERSIGHT BOARD</b>			MISC 94-01-123
Meetings	MISC 94-02-084		MISC 94-02-085
	MISC 94-09-033		MISC 94-07-046
<b>MARINE SAFETY, OFFICE OF</b>			
Bunkering standards	MISC 94-09-056		
	<b>PROP 94-12-024</b>		
	<b>PROP 94-12-093</b>		
Oil spill prevention plan	<b>PROP 94-12-025</b>		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Housekeeping rules revisions      **PROP 94-12-010**  
 Meetings      MISC 94-05-099  
    MISC 94-06-052  
    MISC 94-07-069  
 Rules coordinator      MISC 94-02-062  
    MISC 94-06-006

### PARKS AND RECREATION COMMISSION

Alcohol possession or consumption in parks      **PROP 94-10-069**  
 Aircraft  
     paragliders, prohibition exemption      **PERM 94-01-087**  
 Boating safety program  
     local government programs      **PROP 94-01-149**  
    **PERM 94-04-076**  
 Camping facilities  
     fees      **PROP 94-03-097**  
    **PROP 94-06-010**  
    **PERM 94-08-036**  
    **PROP 94-10-048**  
 Clean vessel funding program      **PROP 94-10-070**  
 Commercial solicitation in parks      **PROP 94-12-064**  
 Day use  
     fees      **PROP 94-03-097**  
    **PROP 94-06-010**  
    **PERM 94-08-036**  
    **EMER 94-09-009**  
 Film permit application, fee      **PROP 94-03-089**  
    **PROP 94-06-020**  
    **PERM 94-08-005**  
 Fort Worden  
     fees      **PROP 94-01-150**  
    **PERM 94-04-075**  
 Meetings      **MISC 94-01-148**  
 Paragliders  
     aircraft prohibition, exemption      **PERM 94-01-087**  
 Recreational vessels  
     operation and equipment      **PROP 94-12-065**  
 Senior citizens, off-season pass      **PROP 94-03-097**  
    **PROP 94-06-010**  
    **PERM 94-08-036**  
 Tree removal in state parks      **PROP 94-06-049**  
    **PERM 94-10-012**

### PENINSULA COLLEGE

Meetings      **MISC 94-01-185**  
    **MISC 94-05-098**  
 Rules coordinator      **MISC 94-04-026**

### PERSONNEL, DEPARTMENT OF

Career executive program  
     transition into Washington management  
     service      **PROP 94-01-125**  
    **PROP 94-09-065**  
 Personnel resources board  
     (see **PERSONNEL RESOURCES BOARD**)  
 Rules coordinator      **MISC 94-01-160**  
    **MISC 94-06-001**  
 Washington management service  
     affirmative action      **PROP 94-06-064**  
    **PERM 94-09-012**  
     career executive program, transition from  
     establishment      **PROP 94-01-125**  
    **PROP 94-09-065**  
    **PERM 94-12-055**  
    **PROP 94-01-048**  
    **PERM 94-01-126**  
    **EMER 94-03-069**  
    **PROP 94-11-071**  
     phase in agencies      **PROP 94-06-064**  
    **PERM 94-09-012**  
    **PROP 94-09-065**  
     reduction in force      **PROP 94-09-065**  
    **PERM 94-12-055**

reversion      **PROP 94-06-064**  
    **PERM 94-09-012**  
     review period      **PROP 94-09-065**  
    **PERM 94-12-055**  
     salary adjustments      **PROP 94-06-064**  
    **PERM 94-09-012**  
    **PROP 94-09-065**  
    **PERM 94-12-055**

### PERSONNEL RESOURCES BOARD

Affirmative action      **PROP 94-04-010**  
    **PROP 94-04-086**  
    **PERM 94-06-063**  
     Appeals      **PROP 94-02-034**  
     Classification plan      **PROP 94-12-058**  
    **PROP 94-12-060**  
     Demotion      **PROP 94-02-034**  
     Dismissal      **PROP 94-02-034**  
     Employee training and development      **PROP 94-06-065**  
    **PROP 94-10-009**  
     Exemptions, civil service law      **PROP 94-02-030**  
    **PERM 94-02-031**  
    **PROP 94-12-059**  
     Filing of papers      **PROP 94-02-036**  
    **PROP 94-04-084**  
    **PERM 94-08-024**  
     Higher education institutions and  
     related boards, civil service law  
     exemptions      **PERM 94-02-031**  
     Layoff or separation      **PROP 94-02-034**  
     Operations      **PERM 94-02-032**  
    **PROP 94-02-035**  
     Position allocations and  
     reallocations      **PROP 94-02-034**  
     Public records, availability      **PERM 94-02-032**  
    **PROP 94-02-035**  
     Reduction in force  
     register designation  
     transition pool      **EMER 94-04-085**  
     Register designation  
     certification      **PROP 94-06-066**  
    **PERM 94-10-008**  
     composition and ranking      **PROP 94-06-066**  
    **PERM 94-10-008**  
     reduction in force      **EMER 94-04-085**  
     Salaries  
     reallocation      **PROP 94-12-058**  
    **PROP 94-12-060**  
     Service of process      **PROP 94-02-036**  
    **PROP 94-04-084**  
    **PERM 94-08-024**  
    **PROP 94-12-057**  
     State internship program      **PERM 94-02-033**  
    **PROP 94-02-035**  
     Trial service      **PROP 94-02-034**  
     Washington management service  
     Washington general service, movement  
     between      **PROP 94-04-009**  
    **PERM 94-04-011**  
**PIERCE COLLEGE**  
 Meetings      **MISC 94-02-017**  
**PILOTAGE COMMISSIONERS, BOARD OF**  
 Oil tankers  
     tug escort requirements      **PROP 94-04-119**  
    **PERM 94-07-079**  
 Pilotage tariff rates  
     Grays Harbor district      **PROP 94-01-153**  
    **EMER 94-01-154**  
    **EMER 94-05-005**  
    **PERM 94-05-006**  
     Puget Sound district      **PROP 94-08-056**  
    **PERM 94-12-044**

**Subject/Agency Index**  
(Citation in bold type refer to material in this issue)

**POLLUTION CONTROL HEARINGS BOARD**

Appeals	EMER	94-07-061
	PROP	94-07-098
	<b>PERM</b>	<b>94-12-027</b>
<b>PUBLIC DISCLOSURE COMMISSION</b>		
Affiliated entities	PROP	94-08-080
Aggregate, definition	MISC	94-01-054
Campaign finance reporting forms	EMER	94-01-039
	PROP	94-01-040
	PERM	94-05-011
Collective bargaining organizations and associations, definitions	PERM	94-05-010
Contributions		
annual report	EMER	94-07-001
	PROP	94-07-035
	PERM	94-11-016
automatically affiliated entities	PROP	94-07-142
	PERM	94-11-017
designation for primary and general elections	PROP	94-03-087
	PROP	94-04-121
	PROP	94-05-097
	PERM	94-07-141
encouraging expenditures to avoid contributions, result fair market value, definition	MISC	94-01-054
	PROP	94-07-088
	PERM	94-11-018
identification of affiliated entities	EMER	94-07-001
	PROP	94-07-035
	PERM	94-11-016
limitations	PROP	94-07-035
	PROP	94-07-088
	PROP	94-07-089
	PROP	94-07-142
	PERM	94-11-016
	PERM	94-11-018
personal use, standard	PROP	94-03-087
	PROP	94-04-121
	PERM	94-07-141
pledges	PROP	94-05-097
	PERM	94-07-141
political committees	PROP	94-03-087
	PROP	94-04-121
	PROP	94-05-097
	PROP	94-07-035
	PERM	94-07-141
	PERM	94-11-016
prohibited contributions	PROP	94-07-035
	PERM	94-11-016
source of contribution, identification	PROP	94-07-035
	PROP	94-07-088
	PROP	94-07-089
	PERM	94-11-016
	PERM	94-05-010
Enforcement		
Exempt activities		
definition and reporting limitations	MISC	94-01-054
	MISC	94-01-054
Lobbyists and lobbying		
agency lobbying report	PROP	94-07-035
	PERM	94-11-016
employer contributions	PROP	94-07-035
	PERM	94-11-016
Meetings	PERM	94-05-010
Public records, availability	PERM	94-05-010
Volunteer services	PROP	94-07-142
	PERM	94-11-017

**PUBLIC EMPLOYEES BENEFITS BOARD**  
(See **HEALTH CARE AUTHORITY**)

**PUBLIC INSTRUCTION, SUPERINTENDENT OF**

Administrator internship program	PROP	94-04-025
	PERM	94-07-102
Child nutrition		
practice and procedures	PROP	94-01-137
	PERM	94-04-097
Funding		
block grants, distribution	PROP	94-11-066
Elementary and Secondary Education Act compliance	PROP	94-04-094
	PERM	94-07-103
local enhancement funding, distribution	PROP	94-11-066
Magnet school programs	PROP	94-08-074
	<b>PERM</b>	<b>94-12-019</b>
Running start program	PROP	94-01-114
	PROP	94-01-136
	PERM	94-04-095
	PERM	94-04-096
Salary allocations		
certificated instructional staff	PERM	94-01-190
Student learning improvement grants	PROP	94-04-122
	<b>PERM</b>	<b>94-12-002</b>
Teacher assistance program	PROP	94-11-120

**PUBLIC WORKS BOARD**

(See **COMMUNITY DEVELOPMENT, DEPARTMENT OF**)

**PUGET SOUND AIR POLLUTION CONTROL AGENCY**

Chromic acid plating and anodizing	PERM	94-01-083
Coatings	PERM	94-01-083
	PROP	94-02-083
	PERM	94-05-067
Compliance with regulations	PERM	94-01-083
	PROP	94-02-083
	PERM	94-05-067
Construction permits		
notice and review requirements	PROP	94-06-062
	PERM	94-09-035
Control officer		
duties and powers	PROP	94-02-083
	PERM	94-05-067
Definitions	PROP	94-02-083
	PERM	94-05-067
	PROP	94-06-061
	PERM	94-09-034
Emission standards		
compliance	PROP	94-02-083
	PERM	94-05-067
Gasoline loading terminals	PERM	94-01-083
Gasoline stations		
vapor recovery	PROP	94-02-083
	PERM	94-05-067
Meetings	MISC	94-07-068
Outdoor fires		
exemptions from emission standards	PROP	94-06-061
	PERM	94-09-034
prohibited areas	PROP	94-06-061
	PERM	94-09-034
Oxygenated gasoline		
oxygen content	PROP	94-08-085
	PERM	94-11-077
Refuse burning	PERM	94-01-083
Sources		
registration	PROP	94-02-083
	PERM	94-05-067

**PUGET SOUND WATER QUALITY AUTHORITY**

Meetings	MISC	94-03-017
Puget Sound water quality management plan	MISC	94-04-128
Rules coordinator	MISC	94-02-019

**RENTON TECHNICAL COLLEGE**

Meetings	MISC	94-03-015
----------	------	-----------

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### RETIREMENT SYSTEMS, DEPARTMENT OF

Annual leave		
cash payments in lieu of unused leave	PROP	94-07-144
Elected and appointed officials, eligibility and application for retirement service membership	PROP	94-08-087
	<b>PERM</b>	<b>94-12-014</b>
Employee status, determination	PROP	94-05-012
	PERM	94-09-039
Retirement allowance calculation	PROP	94-07-144
	PERM	94-11-009
judicial plan members recomputation following reemployment	PROP	94-07-143
	PERM	94-11-008
plan II members recomputation following reemployment	PROP	94-05-013
	PERM	94-09-040

### REVENUE, DEPARTMENT OF

Business and occupation tax		
agricultural products, sales by producers	PROP	94-03-034
	PERM	94-07-048
farmers, miscellaneous sales to	PROP	94-03-037
	PERM	94-07-051
feed, seed, fertilizer, and spray materials for farm use	PROP	94-03-035
	PERM	94-07-049
heat or steam sales	PROP	94-01-155
horticultural services to farmers	PROP	94-03-036
	PERM	94-07-050
hospitals, medical care facilities, and adult family homes	PROP	94-01-158
	EMER	94-05-083
	PERM	94-11-097
hotels, motels, and boarding houses	PROP	94-01-157
	PERM	94-05-001
landscape and horticultural services	PROP	94-10-013
laundries and dry cleaners	PROP	94-01-156
	PERM	94-09-016
motor carriers, sales to interstate or foreign commerce carriers	PROP	94-07-023
schools and educational institutions	PROP	94-03-047
	PERM	94-07-047
tax reporting	EMER	94-05-085
ticket sellers	PROP	94-07-027
tour operators	EMER	94-05-086
Cigarette tax reporting	PROP	94-07-026
	PERM	94-10-062
Excise tax		
real estate excise tax administration and compliance	PERM	94-04-088
tobacco products tax reporting	PROP	94-07-025
Inflation rates	PROP	94-08-082
	PERM	94-11-098
Property tax		
agricultural land valuation	PROP	94-01-166
	PERM	94-05-062
exemptions	PROP	94-01-169
	PERM	94-07-008
forest land values	PERM	94-02-046
levies	PERM	94-07-066
nonprofit homes for aging	PROP	94-10-060
nonprofit organizations, associations, and corporations, exemption conditions	PROP	94-01-169
	PERM	94-07-008
	PROP	94-07-123
	PROP	94-11-099
personal property ratio, computation	PROP	94-01-168
	PERM	94-05-064

refunds, rate of interest	PROP	94-01-167
	PERM	94-05-063
Public utility tax	PROP	94-01-159
Sales tax		
agricultural products, sales by producers	PROP	94-03-034
	PERM	94-07-048
farmers, miscellaneous sales to	PROP	94-03-037
	PERM	94-07-051
feed, seed, fertilizer, and spray materials for farm use	PROP	94-03-035
	PERM	94-07-049
heat or steam sales	PROP	94-01-155
horticultural services to farmers	PROP	94-03-036
	PERM	94-07-050
hospitals, medical care facilities, and adult family homes	PROP	94-01-158
	EMER	94-05-084
	PERM	94-11-097
hotels, motels, and boarding houses	PROP	94-01-157
	PERM	94-05-001
landscape and horticultural services	PROP	94-10-013
laundries and dry cleaners	PROP	94-01-156
	PERM	94-09-016
motor carriers, sales to interstate or foreign commerce carriers	PROP	94-07-023
resale certificates, use and penalties for misuse	EMER	94-05-083
	PROP	94-06-004
schools and educational institutions	PROP	94-03-047
	PERM	94-07-047
tax reporting	EMER	94-05-085
ticket sellers	PROP	94-07-027
tour operators	EMER	94-05-086
watercraft, sales to nonresidents	PROP	94-03-046
Timber excise tax stumpage values	PERM	94-02-047
	PROP	94-02-073
	PROP	94-02-074
	PROP	94-03-086
	PROP	94-04-089
	PROP	94-04-090
	PROP	94-09-057
	PROP	94-10-063
Tobacco products tax reporting	PROP	94-07-025
	PERM	94-10-061
Use tax		
motor carriers, operation in interstate or foreign commerce	PROP	94-07-024

### RULES COORDINATORS

(See Issue 94-01 for a complete list of rules coordinators designated as of 12/22/93)

Arts commission	MISC	94-01-099
Big Bend Community College	MISC	94-07-005
Central Washington University	MISC	94-01-105
Clover Park Technical College	MISC	94-01-043
Community and technical colleges, state board for	MISC	94-01-023
Deaf, Washington School for the	MISC	94-08-063
Deferred compensation, committee for	MISC	94-03-058
Eastern Washington University	MISC	94-01-031
Everett Community College	MISC	94-01-071
Evergreen State College, The	MISC	94-01-072
Financial management, office of	MISC	94-06-057
Gambling commission	MISC	94-07-100
Growth planning hearings boards	MISC	94-01-053
Health services commission	MISC	94-01-070
	MISC	94-09-013
Indeterminate sentence review board	MISC	94-02-067
Marine safety, office of	MISC	94-02-021
Outdoor recreation, interagency committee for	MISC	94-02-062
Peninsula College	MISC	94-04-026

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Personnel, department of	MISC	94-01-160	income allocation	PROP	94-05-019
	MISC	94-06-001		PERM	94-08-019
Puget Sound water quality authority	MISC	94-02-019	income disregard	PROP	94-05-054
Seattle Community Colleges	MISC	94-01-107		PERM	94-08-021
Spokane, Community Colleges of	MISC	94-01-009	mandatory monthly reporting	PROP	94-05-017
Trade and economic development, department of	MISC	94-01-183	net cash income	PERM	94-08-017
Utilities and transportation commission	MISC	94-02-026		PROP	94-05-016
Washington state patrol	MISC	94-08-047	replacement of exempt property	PERM	94-08-016
Whatcom Community College	MISC	94-01-044		PROP	94-05-018
			Alcohol and substance abuse, division of chemical dependency treatment service providers certification	PERM	94-02-002
				PROP	94-02-020
				PROP	94-07-072
<b>SEATTLE COMMUNITY COLLEGES</b>			Children and family services, division of day care centers licenses	PROP	94-11-111
Contested case hearings and administrative disputes	PROP	94-05-097A	Deaf and hard of hearing services telecommunications access service (TAS)	PROP	94-01-080
Meetings	MISC	94-01-006		PERM	94-02-042
	MISC	94-01-085		EMER	94-04-032
	MISC	94-01-131		PERM	94-04-037
	MISC	94-03-059	Developmental disabilities, division of family support services	PROP	94-01-062
	PROP	94-05-097A		EMER	94-01-063
	MISC	94-06-033		EMER	94-01-064
	MISC	94-07-101	Disaster relief	PERM	94-04-092
	MISC	94-08-064	Food stamp program	PROP	94-01-011
	MISC	94-08-065	aliens		
	MISC	94-09-014	verification for entitlements	PROP	94-11-064
Rules coordinator	MISC	94-01-107	income budgeting	PROP	94-03-041
			income deductions	PROP	94-06-023
			information release to child support programs	PROP	94-07-031
			interview process	<b>PERM</b>	<b>94-12-042</b>
			monthly reporting	PROP	94-11-064
			standards of assistance	PERM	94-01-066
			standards of assistance	PROP	94-03-050
			Home and community services division chore personal services budget control	PERM	94-06-027
				PERM	94-07-080
				EMER	94-02-043
			Income assistance		
			alien's sponsor's income	PROP	94-10-086
			consolidated emergency assistance program (CEAP)	PROP	94-03-051
			entitlements	PERM	94-06-026
				PROP	94-05-069
			income allocation	PERM	94-08-015
			income disregard	PROP	94-05-019
			income exclusions	PERM	94-08-019
			incorrect payments	PROP	94-05-054
			in-kind income	<b>PERM</b>	<b>94-12-003</b>
			monthly allotments	PROP	94-02-052
			net cash income	PROP	94-04-042
				PERM	94-08-022
				<b>PROP</b>	<b>94-12-083</b>
				PROP	94-05-016
				PERM	94-08-016
			newly acquired nonexempt resources and income	PROP	94-05-029
			protective payments	PERM	94-08-020
			replacement of exempt property	PROP	94-11-024
			rules reorganization	PROP	94-08-018
			self-employment resource exemptions	PROP	94-07-114
			special payments	PERM	94-10-065
				PROP	94-03-055
				PERM	94-06-024
				PROP	94-06-035
<b>SECRETARY OF STATE</b>					
Archives and records management, division of electronic imaging systems, standards for accuracy and durability	PROP	94-01-161			
	PROP	94-03-081			
	PERM	94-04-102			
Corporations division					
charitable solicitation organizations					
financial reporting	PERM	94-01-004			
registration	PROP	94-10-054			
charitable trusts	PERM	94-01-004			
financial reporting	PERM	94-01-004			
registration	PROP	94-10-054			
commercial fund raisers	PERM	94-01-004			
auditing standards	PERM	94-02-011			
registration	PERM	94-02-011			
fees	PERM	94-01-074			
	<b>PROP</b>	<b>94-12-085</b>			
	<b>PROP</b>	<b>94-12-086</b>			
limited liability companies	<b>PROP</b>	<b>94-12-085</b>			
limited partnerships	<b>PROP</b>	<b>94-12-085</b>			
naming conventions	<b>PROP</b>	<b>94-12-085</b>			
trademarks	<b>PROP</b>	<b>94-12-085</b>			
Election training and certification program	PROP	94-01-010			
	PERM	94-07-018			
<b>SHORELINE COMMUNITY COLLEGE</b>					
Meetings	MISC	94-03-012			
<b>SHORELINES HEARINGS BOARD</b>					
Appeals	EMER	94-07-060			
	PROP	94-07-095			
	<b>PERM</b>	<b>94-12-028</b>			
<b>SKAGIT VALLEY COLLEGE</b>					
Grievance procedure	PERM	94-01-028			
Harassment	PERM	94-01-028			
Meetings	MISC	94-01-128			
	MISC	94-07-016			
Records, availability	PERM	94-01-028			
Smoking policy	PERM	94-01-028			
<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>					
Aid to families with dependent children entitlements	PROP	94-05-069			
	PERM	94-08-015			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

standards of assistance	PERM	94-09-001	mental health services, managed care prepaid healthcare plans	PROP	94-01-079	
	PROP	94-01-118		PROP	94-01-140	
	PERM	94-04-035		PROP	94-02-003	
	PROP	94-06-035		EMER	94-02-004	
	PERM	94-09-001		EMER	94-02-008	
supplemental security income (SSI) program	<b>PROP</b>	<b>94-12-004</b>		PROP	94-02-009	
	PROP	94-01-118	occupational therapy	PERM	94-07-020	
	PROP	94-01-138		PERM	94-01-065	
	PERM	94-04-033		PROP	94-04-022	
	PERM	94-04-035		EMER	94-04-023	
PROP	94-01-139	PERM		94-07-030		
transfer of property	PERM	94-04-043	physical therapy	PERM	94-01-065	
				PROP	94-04-022	
Individual and family grant program disaster relief	PROP	94-01-011		EMER	94-04-023	
	PERM	94-04-036		PERM	94-07-030	
Juvenile rehabilitation, division of collection of costs of support, treatment, and confinement consolidated juvenile services program			pregnant women	EMER	94-08-043	
	<b>PROP</b>	<b>94-12-066</b>		PROP	94-08-044	
	PROP	94-08-007		PROP	94-11-059	
	PERM	94-11-065		EMER	94-11-063	
	<b>PROP</b>	<b>94-12-026</b>		PROP	94-07-114	
parole conditions			rules reorganization	PERM	94-10-065	
Medical assistance children, eligibility	EMER	94-08-043		speech therapy services	PERM	94-01-065
	PROP	94-08-044			PROP	94-04-022
	PROP	94-11-059			EMER	94-04-023
	EMER	94-11-063			PROP	94-07-030
	PROP	94-01-003	SSI-related income exemptions		PERM	94-02-005
client grievances	PERM	94-04-038		EMER	94-08-041	
copayments	EMER	94-08-045		PROP	94-08-042	
	PROP	94-08-046		PROP	94-11-060	
	PERM	94-11-057		EMER	94-11-062	
	PROP	94-11-058	working disabled hospital premium insurance Mental health division community mental health programs managed care prepaid healthcare plans	EMER	94-11-063	
	EMER	94-11-061		<b>PROP</b>	<b>94-12-005</b>	
drugs discount agreement	PROP	94-01-046		PROP	94-02-003	
	PERM	94-01-094		EMER	94-02-004	
eligibility effective date	PROP	94-05-026		EMER	94-02-008	
exempt resources eyeglasses and examinations	PERM	94-07-132	Nursing homes accounting and reimbursement system	PROP	94-02-009	
	PERM	94-02-007		PERM	94-07-020	
	PROP	94-01-081		Restoration of right to possess firearms by former involuntarily committed person	PROP	94-07-109
	EMER	94-02-044			<b>PERM</b>	<b>94-12-043</b>
	PROP	94-04-031			EMER	94-03-004
PROP	94-05-044	PROP	94-03-005			
PROP	94-07-021	PERM	94-06-025			
hearing aids	PERM	94-07-122	Special commitment center travel policy and expenses	PROP	94-07-087	
	PROP	94-02-050		<b>PERM</b>	<b>94-12-006</b>	
	EMER	94-02-051		Support enforcement assessing support	PROP	94-07-041
	PROP	94-05-043			EMER	94-07-042
	PERM	94-07-022			PERM	94-10-064
home health services	PROP	94-01-147	PROP		94-11-112	
PROP	94-03-052	collection actions conference board process defenses to liability	PROP		94-11-110	
income and resources, computation	EMER		94-08-041	PROP	94-07-081	
	PROP		94-08-042	PERM	94-10-033	
	PROP		94-11-060	PROP	94-11-112	
	EMER		94-11-062	PROP	94-07-081	
incorrect payments	PROP	94-02-052	eligibility for services equitable estoppel	PERM	94-10-033	
	PERM	94-05-045		PROP	94-11-112	
				PERM	94-10-033	
				PROP	94-01-042	
				PERM	94-04-034	
institutionalized client allocation of income and resources	PERM	94-02-006	responsibilities of office Telecommunications access service (TAS) transition policies	PROP	94-11-112	
	PROP	94-05-025		PROP	94-01-080	
	PERM	94-07-130		EMER	94-04-032	
	EMER	94-08-043		PERM	94-04-037	
	PROP	94-08-044				
trusts	PROP	94-11-059	SOUTH PUGET SOUND COMMUNITY COLLEGE Meetings	MISC	94-03-032	
	EMER	94-11-063		MISC	94-05-031	
	EMER	94-05-027		MISC	94-08-061	
	PROP	94-05-028				
	PERM	94-07-131				
Medicare cost sharing	EMER	94-08-043				
	PROP	94-08-044				
	PROP	94-11-059				
	EMER	94-11-063				

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>SPOKANE, COMMUNITY COLLEGES OF</b>					
Meetings	MISC	94-01-019	Ferry system		
	MISC	94-10-050	tolls	PROP	94-04-077
Rules coordinator	MISC	94-01-009		PERM	94-07-104
<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>			Highway Advertising Control Act		
Solid fuel burning devices standards	PERM	94-03-027	highway fatality markers	PROP	94-09-031
				PERM	94-12-049
			national scenic byway demonstration project	PROP	94-09-031
				PERM	94-12-049
			political campaign signs	PROP	94-09-031
				PERM	94-12-049
<b>SUPREME COURT</b>			Motor vehicles		
Bail and mandatory appearance (CrRLJ)	MISC	94-08-002	overlength exemptions	EMER	94-02-064
Bar association				PROP	94-03-043
collective bargaining for employees (GR 12)	MISC	94-01-025		PERM	94-07-055
Judicial information system			temporary additional tonnage permits	PROP	94-03-042
records, contents (JISCR)	MISC	94-07-058		PERM	94-07-054
Infractions, monetary penalties (IRLJ 6.2)	MISC	94-08-001		PROP	94-12-070
Videotaped proceedings (RAP)	MISC	94-01-024	Practice and procedure		
			Real property acquisition and relocation assistance	PROP	94-12-071
<b>TACOMA COMMUNITY COLLEGE</b>					
Discrimination	PROP	94-03-082			
Grievance procedure	PROP	94-03-082			
Meetings	MISC	94-01-129			
	MISC	94-03-079			
	MISC	94-04-080			
	MISC	94-04-081			
	MISC	94-10-051			
Sexual harassment	PROP	94-03-082			
<b>TAX APPEALS, BOARD OF</b>					
Hearings					
procedures for requesting formal or informal hearing	PROP	94-03-056			
	PROP	94-03-057			
	PERM	94-07-043			
	PERM	94-07-044			
Meetings	MISC	94-01-016			
<b>TOXICOLOGIST, STATE</b>					
Breath alcohol test program	PROP	94-07-073			
<b>TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>					
(See also COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)					
Community economic revitalization board meetings	MISC	94-04-109			
Hardwoods commission					
meetings	MISC	94-03-039			
	MISC	94-07-017			
Rules coordinator	MISC	94-01-183			
<b>TRAFFIC SAFETY COMMISSION</b>					
Meetings	MISC	94-02-066			
<b>TRANSPORTATION COMMISSION</b>					
Highway corridor and alignment authority	PROP	94-08-054			
Meetings	MISC	94-01-143			
	MISC	94-04-040			
	MISC	94-06-041			
	MISC	94-07-113			
	MISC	94-10-019			
	MISC	94-12-073			
<b>TRANSPORTATION IMPROVEMENT BOARD</b>					
Meetings	MISC	94-03-030			
	MISC	94-08-084			
	MISC	94-11-028			
<b>TRANSPORTATION, DEPARTMENT OF</b>					
Adjudicative proceedings	PROP	94-12-070			
Contractors					
prequalification	PROP	94-01-021			
	PERM	94-05-004			
			UNIVERSITY OF WASHINGTON		
			Meetings	MISC	94-01-098
				MISC	94-02-054
				MISC	94-03-028
				MISC	94-03-029
				MISC	94-03-077
				MISC	94-03-078
				MISC	94-04-013
				MISC	94-04-016
				MISC	94-04-020
				MISC	94-04-021
				MISC	94-04-028
				MISC	94-05-021
				MISC	94-05-022
				MISC	94-10-014
			<b>USURY RATES</b>		
			(See inside front cover)		
			<b>UTILITIES AND TRANSPORTATION COMMISSION</b>		
			Administrative procedures		
			alternate dispute resolution	PROP	94-07-140
			case management	PROP	94-07-140
			Auto transportation companies		
			applications	PROP	94-07-137
				PERM	94-11-021
			equipment	PROP	94-07-137
				PERM	94-11-021
			operation of vehicles	PROP	94-07-137
				PROP	94-11-020
			tariffs	PROP	94-07-137
				PERM	94-11-021
			Commercial ferries		
			definitions	PERM	94-03-003
			tariffs	PERM	94-03-003
			Electric utilities		
			purchases of electricity	PROP	94-01-175
				PERM	94-07-045
			Log road classification	PERM	94-03-001
			Meetings	MISC	94-02-027
			Motor freight carriers		
			alcohol and controlled substance testing	PROP	94-11-104
			bills of lading	PERM	94-03-002
			classification of carriers	PROP	94-07-135
				PERM	94-11-022
			driver responsibilities	PROP	94-11-104
			permit rights, transfer	PROP	94-07-135
				PERM	94-11-022
			safety, drivers and equipment	PROP	94-07-135
				PROP	94-11-019
				PERM	94-11-022
				PROP	94-11-104

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Motor vehicles			<b>WASHINGTON STATE PATROL</b>		
interstate carriers			Commercial vehicles		
registration	EMER	94-01-041	rules promulgation	PROP	94-05-023
limousine charter party carriers			tire chains or traction devices	EMER	94-02-081
operation	PROP	94-10-071		PROP	94-02-082
registration	PROP	94-10-071		PERM	94-08-069
log road classification	PERM	94-03-001	Hazardous materials		
North American uniform out-of-service			procedure upon entering state	PERM	94-01-180
criteria, adoption	PROP	94-11-102	Private carriers		
	PROP	94-11-103	drivers' qualifications	PERM	94-01-178
passenger charter carriers			hours of service of drivers	PERM	94-01-178
operation	PROP	94-10-072	private carrier, term changed to		
registration	PROP	94-10-072	commercial motor vehicle	PROP	94-05-023
Organization and operation	PROP	94-07-139		PERM	94-08-004
	PERM	94-11-002	Rules coordinator	MISC	94-08-047
Private carriers			School buses		
household goods moves, excessive			lamps, operation	PERM	94-01-179
charges	PROP	94-07-134	stop signal arms	PERM	94-01-179
	PERM	94-11-001	Sunscreen tint film decals	PERM	94-05-024
registration and regulation	PROP	94-07-134			
	PERM	94-11-001	<b>WASHINGTON STATE UNIVERSITY</b>		
Railroads			Meetings	MISC	94-01-121
annual reports	PROP	94-07-138		MISC	94-10-015
	PERM	94-11-003	<b>WHATCOM COMMUNITY COLLEGE</b>		
hazardous materials transport	PROP	94-07-138	Meetings	MISC	94-01-184
	PERM	94-11-003	Rules coordinator	MISC	94-01-044
rates, notice	PROP	94-11-101			
track clearances	PROP	94-07-138	<b>WESTERN WASHINGTON UNIVERSITY</b>		
	PERM	94-11-003	Student records	PROP	94-07-117
Rules coordinator	MISC	94-02-026			
Solid waste collection companies			<b>WILDLIFE, COMMISSION AND DEPARTMENT</b>		
driver qualifications	PROP	94-11-102	(See also <b>FISH AND WILDLIFE,</b>		
equipment safety	PROP	94-11-102	<b>DEPARTMENT OF</b> )		
hazardous materials transport	PROP	94-11-102	Fishing		
insurance requirements	PROP	94-07-136	fishing contests	PERM	94-06-014
	PERM	94-11-004	game fish seasons and catch limits,		
rate increases, notice	PROP	94-11-101	1992-94		
Telecommunication companies			Lake Sammamish	PERM	94-06-013
mandatory cost changes	PERM	94-01-146	Lake Washington	PERM	94-06-013
open network architecture environment	PROP	94-01-191	steelhead	EMER	94-02-037
pay telephone call restriction	PROP	94-05-048		EMER	94-03-038
Water companies			game fish seasons and catch limits,		
customer deposits, interest	PERM	94-01-095	1994-95		
<b>VETERANS' AFFAIRS, DEPARTMENT OF</b>			Baker Lake	PROP	94-06-040
State veterans' homes			Columbia River	EMER	94-04-012
Medicaid funded programs	PROP	94-09-043		PERM	94-04-018
non-Medicaid funded programs	PROP	94-09-043		PROP	94-06-038
resident income and resources	PERM	94-04-001		EMER	94-08-048
<b>VOCATIONAL-TECHNICAL EDUCATION,</b>			Grand Ronde River	PROP	94-06-039
<b>COUNCIL ON</b>			Lake Roosevelt	PERM	94-06-012
Meetings	MISC	94-01-093	Lake Sammamish	PERM	94-06-013
	MISC	94-04-082	Lake Washington	PERM	94-06-013
	MISC	94-07-071	Sauk River	PROP	94-06-039
	MISC	94-11-083	Shannon Lake	PROP	94-06-040
<b>VOLUNTEER FIREFIGHTERS, BOARD FOR</b>			steelhead	EMER	94-02-037
Meetings	MISC	94-03-031		EMER	94-03-038
	MISC	94-05-020	Tucannon River	PROP	94-06-039
<b>WALLA WALLA COMMUNITY COLLEGE</b>			northern squawfish sport-reward fishery	PROP	94-06-043
Meetings	MISC	94-04-027	Game		
	MISC	<b>94-12-074</b>	bighorn sheep units	PROP	94-04-067
<b>WASHINGTON STATE HISTORICAL SOCIETY</b>			cougar areas	PROP	94-04-068
Meetings	MISC	94-01-018	deer area descriptions	PROP	94-04-061
<b>WASHINGTON STATE LIBRARY</b>			elk area descriptions	PROP	94-04-062
Continuing education, council on			goat units	PROP	94-04-065
membership	PERM	94-11-023	moose units	PROP	94-04-066
Library commission			private lands wildlife management area	PROP	94-04-069
meetings	MISC	94-06-053	Game management units (GMUs)		
			boundary descriptions	PROP	94-04-055
				PROP	94-04-056
				PROP	94-04-057
				PROP	94-04-058
				PROP	94-04-059
				PROP	94-04-060
			Hunting		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

bow and arrow area descriptions	PROP	94-04-063
firearm restriction areas and special closures, 1994-95	PROP	94-04-117
muzzleloader area descriptions special closures and firearm restriction area, 1994-95	PROP	94-04-064
PROP	94-04-117	
special hunting and trapping seasons permits	PROP	94-04-118
	PROP	94-06-036
	PROP	94-06-037
<b>Hunting seasons</b>		
bighorn sheep auction permit, 1994	PERM	94-04-123
deer and bear, 1994-97	PROP	94-04-114
deer and elk permits, 1994-95	PROP	94-05-078
elk, 1994-97	PROP	94-04-116
hunting hours and small game seasons, 1994-97	PROP	94-04-115
migratory waterfowl, 1993-94	EMER	94-04-007
special species, 1994-95	PROP	94-05-079
<b>Meetings</b>	MISC	94-02-001
<b>Migratory waterfowl</b>		
1993-94 seasons and regulations	EMER	94-02-012
<b>Trapping</b>		
special hunting and trapping seasons, permits	PROP	94-04-118
	PROP	94-06-036
	PROP	94-06-037

### WINE COMMISSION

(See AGRICULTURE, DEPARTMENT OF)

### WORKFORCE TRAINING AND EDUCATION

#### COORDINATING BOARD

Meetings	MISC	94-01-078
	MISC	94-02-048
	MISC	94-04-049
	MISC	94-05-015
	MISC	94-09-011

### YAKIMA COUNTY CLEAN AIR AUTHORITY

Fees	PERM	94-01-084
Outdoor burning	PROP	94-07-112
	<b>PERM</b>	<b>94-12-011</b>

### YAKIMA VALLEY COMMUNITY COLLEGE

Meetings	MISC	94-01-106
----------	------	-----------

















# WASHINGTON STATE REGISTER Subscriptions

---

To: Subscription Clerk  
WASHINGTON STATE REGISTER  
Code Reviser's Office  
PO Box 40552  
Olympia, WA 98504-0552

I would like to order \_\_\_\_\_ subscription(s) to the WASHINGTON STATE REGISTER, at an annual rate of \$188.83, sales tax included (\$175 for state agencies). Enclosed is my check or money order for \$\_\_\_\_\_. Please start my subscription with the January issue of 1994.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THE WASHINGTON STATE REGISTER, published pursuant to RCW 34.08.020, is distributed on the first and third Wednesdays of each month. The Register contains the full text of proposed, emergency, and permanently adopted rules of state agencies, executive orders of the governor, notices of public meetings of state agencies, rules of the state supreme court, summaries of attorney general opinions, and juvenile disposition standards that have been filed in the code reviser's office before the pertinent closing date for that issue of the Register. A cumulative table of existing sections of the Washington Administrative Code (WAC) affected by a particular agency action guides the user to the proper volume of the Register.

The code reviser's office has established an annual subscription price of \$175 for a Register subscription, and single copies will cost \$7.50. Sales tax of 7.9% now applies to all sales other than to state agencies. State law requires payment in advance. To subscribe to the Register, please complete the order form above and forward it to the address indicated, accompanied by your check or money order in the amount of \$188.83 (\$175 for state agencies) payable to the code reviser's office.

---

*Send Address Changes to:*

**WASHINGTON STATE REGISTER**

**(ISSN 0164-6389)**

**Code Reviser's Office**

**PO Box 40552**

**OLYMPIA, WA 98504-0552**



Second-Class Postage Paid At Olympia, WA
--

**S E C O N D   C L A S S**